SENATE

FRIDAY, APRIL 9, 1943

(Legislative day of Tuesday, April 6, 1943)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O Thou seeking shepherd of our souls, from the arid wastes of our own foolish and perverse ways lead us in green pastures and beside still waters. Deepen the wells from which our spiritual strength is drawn. Incline our hearts to keep Thy law, and in that law may we meditate day and night. May that meditation of the heart be mirrored in wise legislation for the Nation.

In all the perplexities of these confused days may we not lose our perspective. May we be worthy of the high trusteeship of power and of opportunity which Thou hast committed to us. May this Nation under God be purged of its own failures to practice genuine democracy. Keep us in the homeland from all that is narrow and selfish and petty by the solemn remembrance that every day her embattled sons are bravely dying for her preservation.

Make a chastened and disciplined America the pioneer of a better world for ourselves and for all peoples, a world of justice and righteousness, of security and freedom and with living room for the development of personality. May our starry banner be ever the symbol of the beatitude of patriotism pure and undefiled: "Blessed is the nation whose God is the Lord."

We ask it in the Name that is above every name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, April 8, 1943, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, who also announced that on April 8, 1943, the President had approved and signed the act (S. 886) relating to the selective-service deferment, on occupational grounds, of persons employed by the Federal Government.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its clerks, announced that the House had passed a bill (H. R. 2409) making appropriations for the legislative branch and for the judiciary for the fiscal year ending June 30, 1944, and for other purposes, in which it requested the concurrence of the Senate.

BOARD OF VISITORS, UNITED STATES COAST GUARD ACADEMY

Mr. BAILEY. Mr. President, I ask unanimous consent that the Senator from Nevada [Mr. MCCARRAN] be designated in my place as a member of the Board of Visitors to the United States Coast Guard Academy.

The ACTING PRESIDENT pro tempore (Mr. LUCAS). Without objection, it is so ordered.

PETITION

Mr. CAPPER presented a petition, numerously signed, of sundry citizens of McCune, Kans., praying for the enactment of Senate bill 860, relating to the sale of alcoholic liquors to the members of the land and naval forces of the United States, which was referred to the Committee on Military Affairs.

RESOLUTIONS OF AMERICAN BAR ASSOCIATION—INTERNATIONAL ORDER AND JUSTICE UNDER LAW

Mr. TRUMAN presented resolutions of the American Bar Association, which were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

1. *Resolved,* That the American Bar Association endorses, as one of the primary war and peace objectives of the United Nations, agreement among such nations for the complete establishment and maintenance at the earliest possible moment of an effective international order among all nations based on law and the orderly administration of justice.

2. *Resolved,* That the House of Delegates directs the Section of International and Comparative Law to study and report to this House an adequate post-war judicial system of permanent international courts which will provide for an accessible and continuous administration of justice.

3. *Resolved,* That the House of Delegates directs the Section of International and Comparative Law to study and report to this House the fundamental principles, including a bill of rights, which are constitutional in character and which should be generally acceptable as a minimum for the preservation of international order and justice under law.

3-A. *Resolved,* That a copy of the three foregoing resolutions be sent to the President of the United States, the Senate, the House of Representatives, the Secretary of State, and to all bar associations affiliated with the American Bar Association.

RESOLUTION OF ATLANTIC AND GULF CANALS ASSOCIATION—DEPTH OF 8 FEET FOR STUART-FORT MYERS CANAL, FLA.

Mr. PEPPER presented a resolution adopted at a public meeting of the Atlantic and Gulf Canals Association, Inc., at Clewiston, Fla., which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Whereas in the River and Harbor Act approved July 3, 1930, the United States adopted as a navigation project the Caloosahatchee River-Lake Okeechobee Drainage Area, Florida; and

Whereas in accordance with that authority the United States has expended the sum of $20,000,000 on this project which has resulted in a navigation channel connecting the Atlantic Ocean and the Gulf of Mexico by way of the St. Lucie River and Canal, Lake Okeechobee, and the Caloosahatchee Canal and River, with an official navigable depth of 6 feet; and

Whereas the present war emergency has made the internal transportation system one of the greatest factors in success or failure requiring that maximum use be made of all transportation facilities in the United States; and

Whereas it has been repeatedly stated by officials of the Federal Government that a navigable depth of more than 6 feet is desirable for the most efficient movement of oil by barge; and

Whereas the War Department has heretofore recommended that this waterway be deepened to a minimum navigable depth of 8 feet and the Congress has heretofore approved such recommendation; and

Whereas such deepening can be accomplished within a period of 6 months at small cost and without interfering with other war activities: Now, therefore, be it

Resolved:

1. The Florida delegation in Congress be requested to use every effort to have the Stuart-Fort Myers Canal deepened to 8 feet immediately in accordance with the previous recommendations and approval of the War Department and Congress in order that full use may be made of this waterway in aiding in the transportation problems of the State and Nation.

2. Copies of this resolution be sent to the members of the Florida delegation in Congress as expressing the sense of this meeting and the desires of the citizens there represented.

Upon motion duly made and seconded and unanimously passed the above and foregoing resolution was adopted by the members of the Atlantic and Gulf Canals Association, a nonprofit corporation, at meeting held at Clewiston, Fla., Wednesday, March 31, 1943.

A. D. H. FOSSEY, *President.*

Attest:

F. W. GREENE, *Secretary.*

RESOLUTION OF BOARD OF COUNTY COMMISSIONERS, DUVAL COUNTY, FLA.—WORK PROJECTS ADMINISTRATION SEWING PROJECT

Mr. PEPPER also presented a resolution of the Board of County Commissioners of Duval County, Fla., which was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

Whereas Work Projects Administration has heretofore and now operates a sewing-room project in Duval County, Fla., where some 168 women are employed; and

Whereas most of the women employed in the sewing-room project are past 50 years of age, and upon cessation of Work Projects Administration activities on April 30 next they will be without means of making a livelihood; and

Whereas the usefulness of this project has heretofore been well demonstrated, and every effort should be made to maintain and continue its operation, not only for affording employment for needy women but to continue the supply of needed garments supplied by the sewing room: Now, therefore, be it

Resolved by the Board of County Commissioners of Duval County, Fla.:

That the sewing-room project operated and maintained by the Work Projects Administration of Duval County, Fla., should be maintained in order that the women now employed in said project may be afforded means of making a livelihood and to continue the flow of garments supplied by the project.

That Senators CHARLES O. ANDREWS and CLAUDE PEPPER and Representatives LEX GREEN and EMORY H. PRICE be, and they are hereby, urged to lend their offices and best efforts to continue in operation this sewing-room project, which has served a most useful purpose, and will, if permitted to so do, continue to serve a most useful purpose in this county and community; and be it further

Resolved, That a certified copy of this resolution be forwarded to the following: Hon. CHARLES O. ANDREWS, Hon. CLAUDE PEPPER, Hon. LEX GREEN, and Hon. EMORY H. PRICE.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McNARY, from the Committee on Commerce:

S. 693. A bill to revive and reenact the act entitled "An act authorizing the Oregon-Washington Bridge Board of Trustees to construct, maintain, and operate a toll bridge across the Columbia River at Astoria, Clatsop County, Oreg.," approved June 13, 1934; without amendment (Rept. No. 161).

By Mr. WHERRY, from the Committee on Claims:

S. 520. A bill for the relief of Freddie Sanders; with amendments (Rept. No. 162).

By Mr. TUNNELL, from the Committee on Claims:

S. 351. A bill for the relief of the Pennsylvania Coal and Coke Corporation; with an amendment (Rept. No. 163).

By Mr. ELLENDER, from the Committee on Claims:

S. 807. A bill for the relief of Mary Frances Hutson; with an amendment (Rept. No. 164);

H. R. 944. A bill for the relief of Douglas R. Muther; without amendment (Rept. No. 165);

H. R. 1522. A bill for the relief of Morton Fiedler; without amendment (Rept. No. 166); and

H. R. 1792. A bill for the relief of Arthur G. Klein; without amendment (Rept. No. 167).

By Mr. EASTLAND, from the Committee on Claims:

S. 765. A bill for the relief of Viola Dale; with an amendment (Rept. No. 168); and

S. 514. A bill for the relief of Blanche H. Karsch, administratrix of the estate of Kate E. Hamilton; without amendment (Rept. No. 174).

By Mr. STEWART, from the Committee on Claims:

S. 410 A bill for the relief of James B. Lewis, Jarvis T. Mills, and Richard D. Peters; with an amendment (Rept. No. 169);

S. 625. A bill for the relief of A. C. Blount and Oscar Williams; without amendment (Rept. No. 170); and

H. R. 1667. A bill to confer jurisdiction on the Court of Claim to hear and determine the claim of Mount Vernon, Alexandria & Washington Railway Co., a corporation; with amendments (Rept. No. 175).

By Mr. ROBERTSON, from the Committee on Claims:

S. 282. A bill for the relief of Walter C. Blake; with amendments (Rept. No. 171);

S. 648. A bill for the relief of Arthur C. Norcutt; with an amendment (Rept. No. 172); and

H. R. 401. A bill for the relief of James W. Kelly; without amendment (Rept. No. 173).

By Mr RADCLIFFE, from the Committee on Commerce:

H. R. 2238. A bill to authorize the return to private ownership of certain vessels formerly used or suitable for use in the fisheries or industries related thereto; without amendment (Rept. No. 176);

H. R. 2281. A bill to provide for the issuance of a device in recognition of the services of merchant sailors; with amendments (Rept. No. 177); and

H. J. Res. 92. Joint resolution to authorize the refund by the War Shipping Administrator of certain freights for transportation on frustrated voyages; without amendment (Rept. No. 178).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. WALSH, from the Committee on Naval Affairs:

Several citizens and a meritorious noncommissioned officer to be second lieutenants in the Marine Corps.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Several postmasters.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAILEY:

S. 983. A bill to provide for the training of nurses for the armed forces, governmental and civilian hospitals, health agencies, and war industries, through grants to institutions providing such training, and for other purposes; to the Committee on Education and Labor.

By Mr. ELLENDER:

S. 984. A bill providing for the payment of compensation to the estates of Federal employees having accrued annual leave at the time of death; to the Committee on Civil Service.

By Mr. BUTLER:

S. 985. A bill to restrict the establishment of branch offices by financial institutions chartered or insured under the laws of the United States; to the Committee on Banking and Currency.

By Mr. THOMAS of Oklahoma:

S. 986. A bill to eliminate certain assessments payable by insured banks on deposits secured by obligations of the United States; to the Committee on Banking and Currency.

By Mr. PEPPER:

S. 987. A bill to amend the Inland Waterways Corporation Act, approved June 3, 1924, as amended, authorizing the Secretary of War to extend the services and operations of the Inland Waterways Corporation to Pensacola, Fla.; to the Committee on Commerce.

HOUSE BILL REFERRED

The bill (H. R. 2409) making appropriations for the legislative branch and for the judiciary for the fiscal year ending June 30, 1944, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

SPEECH BY ANTHONY EDEN IN HOUSE OF COMMONS (S. DOC. NO. 27)

Mr. BARKLEY. Mr. President, in view of the recent visit of Foreign Secretary Anthony Eden to the United States, a visit in which we were all interested, and in view of the fact that in the House of Commons yesterday he made what might be regarded as a report to the House of Commons upon his trip to the United States, I ask that his speech to the House of Commons be printed in the Appendix of the RECORD. I request that it also be printed as a Senate document.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAGE AND PRICE ORDER AND STATEMENT BY THE PRESIDENT

[Mr. BARKLEY asked and obained leave to have printed in the RECORD the wage and price order issued by the President on April 8, 1943, together with the statement by the President relating to the order, which appear in the Appendix.]

RECIPROCAL TRADE AGREEMENTS ARTICLE BY C. P. IVES

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an article entitled "The Trade Agreements—Their Necessity for Post-war Trade Revival," written by C. P. Ives and published in the Baltimore Sun of today's issue, which appears in the Appendix.]

ARMY DAY ADDRESS BY SENATOR TUNNELL

[Mr. WALLGREN asked and obtained leave to have printed in the RECORD an Army Day address delivered over the radio on April 6, 1943, by Senator TUNNELL under the auspices of Jewish War Veterans, which appears in the Appendix.]

ORGANIZATION AND COLLABORATION OF UNITED NATIONS — STATEMENT BY SENATOR BALL

[Mr. BURTON asked and obtained leave to have printed in the RECORD a radio statement made at the town meeting of the air by Senator BALL at Chapel Hill, N. C., on April 8, 1943, which appears in the Appendix.]

HARRY SLATTERY, OF THE RURAL ELECTRIFICATION ADMINISTRATION — EDITORIALS FROM EMPORIA (KANS.) GAZETTE

[Mr. CAPPER asked and obtained leave to have printed in the RECORD two editorials from the Emporia (Kans.) Gazette, relative to the record of Harry Slattery as head of the Rural Electrification Administration, which appear in the Appendix.]

PLANNED PARENTHOOD AND NATIONAL BIRTH RATE

[Mr. WALSH asked and obtained leave to have printed in the RECORD an article entitled "Planned Parenthood," written by Nathaniel W. Hicks and published in America on April 3, 1943, which appears in the Appendix.]

AFFAIRS IN THAILAND—VIEWS OF DR. HUGH GRANT

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article entitled "Former Minister to Thailand Not Surprised at Recent Developments," published in the Savannah Morning News, of February 19, 1943, which appears in the Appendix.]

COLLEGE WAR-TRAINING AND WORK PROGRAM

[Mr. HILL asked and obtained leave to have printed in the RECORD a copy of the proposal of the National College Work Council of the National Youth Administration to the Chairman of the War Manpower Commission on the college war training and work program for 1943–44, which appears in the Appendix.]

THE WORLD OF TOMORROW—STATEMENT BY R. S. REYNOLDS

[Mr. HILL asked and obtained leave to have printed in the RECORD a statement entitled "The World of Tomorrow," by R. S. Reynolds, president of the Reynolds Metals Co. of Richmond, Va., which appears in the Appendix.]

ORGANIZATION AND COLLABORATION OF UNITED NATIONS

[Mr. BALL asked and obtained leave to have printed in the RECORD two editorials relating to Senate Resolution 114, one entitled "Let's Tell the World Now," from the Raleigh News and Observer of March 28, 1943, and the other entitled "For Unified Action," from the Kalamazoo (Mich.) Gazette of March 28, 1943, which appear in the Appendix.]

FOOD FOR HUMANITY—EDITORIAL FROM PRAIRIE FARMER

[Mr. BROOKS asked and obtained leave to have printed in the RECORD an editorial entitled "Food for Humanity" published in a recent issue of the Prairie Farmer, which appears in the Appendix.]

ORGANIZATION AND COLLABORATION OF UNITED NATIONS

[Mr. BURTON asked and obtained leave to have printed in the RECORD an editorial "Post-War Plans Now," published in The Trades Unionist of April 3, 1943, which appears in the Appendix.]

ALLEGED LACK OF KNOWLEDGE OF UNITED STATES HISTORY (S. DOC. NO. 26)

Mr. SHIPSTEAD. Mr. President, on the 6th of April the senior Senator from Wisconsin [Mr. LA FOLLETTE] put into the RECORD a copy of a survey made by the New York Times involving the question of instruction in American schools and colleges. I thought it was a very important document, and I have had many requests for copies of the RECORD from those who want a copy of the report. I find that the RECORD for the date when the report was printed costs 15 cents. I have requests for at least 10,000 copies. I ask unanimous consent that the report, or survey, be printed as a Senate document, because the Joint Committee on Printing informs me that after the first thousand it can be printed for nine-tenths of a cent a copy. The first thousand will cost $63 a thousand, and each thousand thereafter will cost $9.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and it is so ordered.

REPORT OF WAGE INCREASES FROM NATIONAL WAR LABOR BOARD

Mr. BYRD. Mr. President, I ask unanimous consent for the present consideration of Senate Resolution 130, calling for certain information from the National War Labor Board. I should like to have the clerk read the resolution.

Mr. LANGER. I object to that until after we dispose of the bill which is pending.

Mr. BARKLEY. The resolution will take but a second, I will say to the Senator.

Mr. BYRD. I am sure the resolution will be acted upon quickly, and I have to leave the Chamber, I will say to the Senator.

Mr. LANGER. Very well.

The ACTING PRESIDENT pro tempore. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 130) submitted by Mr. BYRD on April 7, 1943, as follows:

Resolved, That the National War Labor Board is authorized and directed to submit to the Senate as soon as practicable (1) an analysis of the effect of its decisions and orders since January 12, 1942, which have directed, authorized, or approved wage increases and reclassifications of employees, with the total cost of all such wage increases, together with a statement of the changes (expressed in percentages and amounts) in the basic hourly rates of wages and the average weekly earnings which have resulted from such decisions and orders in the case of each employer or industry affected thereby; (2) a statement with respect to any action taken by the Board since January 12, 1942, for the purposes of increasing substandard wages and correcting inequalities in wages, together with illustrative examples of situations in which, in the opinion of the Board, substandard wages and inequalities in wages exist and which in effect constitute a definition of such substandard wages and inequalities; and (3) a statement with respect to all cases in which wage increases have been authorized or approved by the Board which constitute a departure from the so-called Little Steel formula; (4) the first report shall be made not later than May 1, 1943, and thereafter the War Labor Board is directed to furnish a report on the 1st day of each month to the Senate containing this information.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, I offer an amendment, on page 2, line 11, to strike out the word "first" and insert the word "tenth."

Mr. BARKLEY. I suggest that it be "not later than the tenth."

Mr. BYRD. Very well. I move to strike out the word "first" and insert the words "not later than the tenth." The purpose of that is to give the War Labor Board adequate time to prepare the information.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Virginia.

The amendment was agreed to.

The resolution as amended was agreed to.

USE OF NITROGEN FERTILIZER

Mr. LA FOLLETTE. Mr. President, I have recently received a copy of a letter written by the dean of the Wisconsin College of Agriculture, Dean Chris L. Christensen, to Mr. Chester C. Davis, Federal Food Administrator. I have Dean Christensen's permission to read the letter, and, in view of the fact that it has what seems to me to be an important bearing upon the policy of the Government in relation to the increased production of both dairy and meat products, I desire to take the time of the Senate to read the letter and to read briefly from the enclosure. The letter is as follows:

APRIL 3, 1943.

Mr. CHESTER C. DAVIS,
Federal Food Administrator,
United States Department of Agriculture, Washington, D. C.

DEAR MR. DAVIS: On December 29, 1942, we transmitted to Secretary Wickard a brief which explained Wisconsin's need for chemical nitrogen fertilizer. Following this appeal, additional allocations of fertilizer nitrogen were made to Wisconsin. However, subsequent to this appeal, Order FPO–5 was put into effect, one provision of which restricts the use of chemical fertilizer nitrogen on field corn in Wisconsin to farmers who have previously made such use.

In other words, the effect of FPO–5 is to "freeze" the utilization of nitrogen in the State of Wisconsin to farmers who have previously used it. This is in the face of the fact that it has been demonstrated that the use of nitrogen fertilizer can tremendously increase the productiton of corn, which, in turn, means, so far as Wisconsin is concerned, an increased production of dairy and meat products. It is also in the face of the further fact that there has been a sharp increase in previous years, a rising curve, in the utilization of nitrogen fertilizer by the farmers of Wisconsin.

Mr. VANDENBERG. Mr. President, the Senator says the letter referred to Wisconsin. I presume it has a general application?

Mr. LA FOLLETTE. It is applicable to the entire country, in reality, and I think it should be of interest to every Senator and every Representative coming from a State where the farmers can utilize nitrogen fertilizer to increase the production of meat and dairy products. The letter continues:

This provision will seriously handicap increased production of dairy products and meat in Wisconsin, and is therefore contrary to the best interests of the country as a whole.

I wish to emphasize that, Mr. President, at the very time when the Federal Government, through all the agencies that can be utilized to communicate with the farmers of Wisconsin and other agricultural States, is urging upon the farmers increased production, yet by the restriction imposed by this order it is helping to increase the handicaps which the farmers face today in their effort to meet the increased demands of the Government for food. The letter continues:

The application of fertilizer containing chemical nitrogen to field corn has been strongly recommended by the Wisconsin Agricultural Experiment Station for over 20 years, and each year more farmers have adopted the practice, so that at the present time about one-half of the Wisconsin farmers are following it. Because of the demonstrated highly beneficial effects produced by this practice and the desire of farmers to produce more food, possibly 25,000 farmers in Wisconsin would like to follow this practice for the first time the coming season, but are now prevented from doing so by one of the provisions of FPO 5.

Mark this, Senators:

In Wisconsin, corn "spells" dairy products and meat, and certainly dairy products and meat should come under the preferred list of products as regards provisions for their production.

The peculiar and singular position of Wisconsin as regards marked benefits obtainable from the application to corn of a small amount of fertilizer containing chemical nitrogen is fully explained in the detailed statement enclosed.

Listen to this:

It is shown that the use of 1 pound of chemical nitrogen in this manner, costing normally about 10 cents, may result in the production of 5 additional bushels of corn.

When the silage represented by these 5 bushels of corn is fed to dairy cows, its contribution in the production of milk may be expressed by approximately 15 pounds of butter; and when the 5 bushels of corn are fed to hogs, its contribution in the production of pork may be represented by about 60 pounds of pork (live weight).

In other words, Mr. President, if this restriction were not to be found in FPO 5, if the farmers in Wisconsin who want to use this chemical nitrogen in the form of fertilizer could get it and use it for this purpose, it would result in Wisconsin producing 150,000,000 more pounds of butter this year, or 600,000,000 more pounds of live pork.

I continue reading from Dean Christensen's letter:

What is very important in this connection right now is the fact that this increased production through the use of fertilizer can be obtained with little or no increased outlay for labor, machinery, and seed.

All of which, as every Senator knows, are very scarce. In other words, with the amount of available labor, with the amount of available machinery, and with the amount of available seed, if this fertilizer were put into the hands of farmers, this increased production would result; and what is true of Wisconsin is true of other States which are similarly situated.

To continue:

Because of the peculiar conditions in Wisconsin, explained in the enclosed statement, it is doubtful that a similar small amount of fertilizer nitrogen will produce as much increase in food production in any other region as in Wisconsin. That the whole situation surrounding the permissible use and the allocation of chemical nitrogen fertilizer is not fully appreciated or understood by those in charge of these matters is evidenced by the following:

1. Order FPO 5 allows the use of chemical nitrogen fertilizer on soybeans and peanuts, although this practice is not supported by agricultural experiment station results.

2. Order FPO 5 allows the use of large amounts of chemical nitrogen fertilizer on short-staple cotton, although a large surplus of this type of cotton exists.

3. Order FPO 5 greatly restricts the use of chemical fertilizer nitrogen on field corn in Wisconsin, although positive proof exists that repeal of this restriction would materially increase the production of dairy products and meat, all of which are scarce and being rationed.

4. The greatly restricted allocation of chemical nitrogen fertilizer for use in Wisconsin appears irrational on the basis of the following quotations:

From a recent letter by a prominent agricultural authority in an Eastern State: "As you probably know there seems to be a considerable supply of nitrogen available now. Our fertilizer mixers here in the East have received supplies of uramon, which no one expected would be available 2 or 3 months ago. In fact, there seems to be adequate nitrogen to take care of all our needs even for an increased acreage of potatoes."

I wish Senators would listen to this:

From a recent letter by a manufacturer of chemical nitrogen fertilizer to a mixer or processor and wholesaler of fertilizer goods serving Wisconsin: "Referring to your letter of March 12, it will be April before your sulfate moves." (Sulfate refers to ammonium sulfate, a nitrogen fertilizer.)

Listen to this:

"This is because every available pound of sulfate was practically commandeered by the Bureau of Economic Warfare for export to"—

I have stricken out the name of the country—

"on boats leaving the —— city on —— date."

I have stricken out the name of the city and the date, because I do not know whether they have been made public.

To get this sulfate, the United States Commercial Company, which is a branch of the Reconstruction Finance Corporation, had to take material from as far away as Duluth, Minn. So you can see the urgency that they place upon the material. Naturally we do not like to see this material going out of the country and at the height of the domestic fertilizer season, but it is just one of those things that Washington required done, and domestic buyers are the sufferers.

I add that the domestic consumers are the sufferers because it will result in the failure in Wisconsin or other States to produce corn which would be turned into dairy products and an increased supply of meat products.

It was also announced recently that 25,000 tons of ammonium sulfate (5,000 tons of chemical nitrogen) were shipped to Spain. The total export of chemical nitrogen to Spain is possibly four or five times that being requested for Wisconsin.

Thus it appears clear that considerable amounts of nitrogen fertilizer are being shipped right from the region where the use of a small amount would give maximum benefits, but such use is denied by people who apparently do not understand the situation. One wonders why food production in Spain should be given priority over such production in Wisconsin.

On March 2 an appeal was made by the writer and enclosed brief sent to the Director of Food Administration (now M. Clifford Townsend) requesting as follows:

"In order to promote production of dairy and meat products in Wisconsin, it is asked that:

"1. Use of fertilizer containing chemical nitrogen for corn be not restricted to farmers who have previously made such use.

"2. Date of April 1, when delivery of second half of fertilizer containing chemical nitrogen for field corn may be made, be changed to March 15.

"3. In order to take care of Wisconsin's urgent need of fertilizer nitrogen for field corn, 1,000 additional tons of chemical fertilizer nitrogen be allocated for this purpose."

Copies were also sent to Mr. William F. Watkins, Chief, Fertilizer Section, Chemicals Division, Food Production Administration, United States Department of Agriculture, Washington, D. C.; and M. H. H. Meqers, Chief, Nitrogen Unit, Chemicals Division, Inorganics Section, War Production Board, Washington, D. C.

The dean was spreading his requests around in the different places in the hope, I suppose, that those addressed might get together and do something about it.

Recently a reply was received from Watkins indicating that favorable action in regard to point 1 above would not be given.

Point 1 is the request of our commissioner that the use of fertilizer containing chemical nitrogen for corn be not restricted to farmers who have previously made such use of it.

However, a substantial reason for the unfavorable action is not presented. It is firmly believed that this unfavorable action is adverse to the best interests of the Nation as a whole and justifies vigorous counter efforts.

In justice to the farmers of Wisconsin, who are making an all-out effort to produce food, and as a matter of furthering the Nation's production of critical war foods, it is suggested that you contact the authorities in charge and urge relief to Wisconsin farmers, particularly as regards point No. 1 above. (This point comes under matters in control of Townsend and Watkins.) Point 2 above is already outdated, and nothing can be done about it except prevention of making the situation worse by advancing the date of April 1 to April 15, which it is understood is being considered. Point 3 needs to be strongly urged in order that point 1 may be made workable. (This point comes under matters largely in the hands of H. H. Meyers.)

To summarize, of the Nation's total Wisconsin produces 50 percent of the cheese, 18 percent of all processed dairy products, more canned vegetables than any other State, and notable amounts of meat and other critical war foods, and is now being asked to increase these amounts to a notable extent and in addition produce a considerable acreage of hemp for which chemical nitrogen fertilizer is indispensable. In order to make this increased production possible, Wisconsin is asking for considerably less than 1 percent of the Nation's available fertilizer nitrogen. To date the small amount requested has been only partially satisfied and its method of use greatly restricted, notwithstanding the fact that chemical nitrogen fertilizer is supplied to other regions for crops that do not need it, or for crops of which there exists a surplus, and is apparently being shipped right across Wisconsin for export abroad.

Right now the fertilizer companies serving Wisconsin are reporting that their shipments are being drastically held up because the available nitrogen supplies are going South, much of it presumably for short-staple cotton, of which a great surplus exists. Any action to be effective must be prompt, because planting of hemp will start in 30 days and corn in 40 days, and 1 month is a short time for the manufacturer to mix and deliver the goods.

Very truly yours,

CHRIS L. CHRISTENSEN,
Dean and Director.

Mr. President, there is attached to this letter a statement by Professor Emil Truog of the findings of various agricultural experiment stations as to the use of chemical nitrogen fertilizer for various crops. I shall ask that it may be printed as a part of my remarks, but I desire to read the summary for the information of the Senate.

1. To give preference as FPO 5 does to soybeans, peanuts, and possibly some other legumes over field corn in Wisconsin for chemical fertilizer nitrogen is not, on the basis of the extensive experimental data available, in the best interests of food production. To do so is to say that legumes which can utilize atmospheric nitrogen need nitrogen fertilization more than corn, which cannot make such use, and that soybeans and peanuts are more critical products than are dairy products.

2. The use of a small amount of chemical nitrogen for fertilization of field corn in Wisconsin will promote early growth, facilitate cultivation, insure maturity before frost, and by making possible the more effective use of a large natural supply of manure and legume nitrogen, markedly increase quality and yield; these benefits will be reflected directly in increased production of dairy products to the extent in many cases of over 100 pounds for each pound of chemical nitrogen used.

3. To limit in Wisconsin the fertilization of field corn with fertilizer containing chemical nitrogen to only those farmers who have previously practiced such fertilization is to deny to possibly 25,000 farmers in 1943

a practice which has been advocated by the Wisconsin experiment station for 20 years or more, and is now especially desirable as a measure for promoting dairy production in Wisconsin.

4. The withholding of delivery until April 1 of chemical nitrogen for fertilization of field corn and limitation of sale to that date of only one-half of previous use will greatly delay the farmer's plans, further complicate the manufacturers' labor problems, and by dividing shipments increase shipping costs and difficulties. This date of April 1 should be changed to March 15—

Of course, this suggestion is now obsolete, but the dean is urging that the date be not advanced from April 1 to April 15, as it is now rumored that it may be—

so that delivery of all fertilizer for any one farmer may be combined in one shipment.

5. The present fertilizer rationing plan, based largely on a historical basis of previous use, strikes Wisconsin right at the stage when her need and consumption are rising at a phenomenal rate. Her consumption in 1942 rose 57 percent over that in 1941. Normally, without rationing, a similar tonnage increase would follow in 1943. Other comparable States have some time since reached a saturation or near saturation historical base. This fact should be taken into consideration in applying FPO 5 to Wisconsin.

6. To supply possibly 25,000 Wisconsin farmers who will want to apply chemical nitrogen to field corn for the first time, 1,000 tons of additional chemical nitrogen should be made available immediately for this purpose to the fertilizer manufacturers serving Wisconsin. If reports received are true, this could easily be done by utilizing stocks now accumulating and not needed by the munitions industry.

Mr. President, I conclude by saying that I think this is a matter which should have the earnest and early consideration of Mr. Chester Davis, and of those in the War Production Board who are responsible for this order.

I ask that the statement to which I have referred, prepared by Professor Truog, the summary of which I have read, may be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FERTILIZER CONTAINING CHEMICAL NITROGEN IS URGENTLY NEEDED FOR FIELD CORN IN WISCONSIN

(Statement prepared by Prof. Emil Truog, chairman, department of soils, University of Wisconsin)

In order for Wisconsin to meet the food-production goals which have been set, particularly as regards dairy products, it is urgent and necessary that more fertilizer than now appears forthcoming be supplied. The provision of FPO 5, relating to the fertilization of field corn with fertilizer containing chemical nitrogen, will seriously handicap milk- and meat-production goals in Wisconsin because FPO 5 provides that—

1. Fertilizer containing chemical nitrogen may not be used on field corn by farmers who have not previously made such use.

2. Date of delivery to farmers eligible for such use is restricted to one-half before April 1, and the balance, if then available, after April 1.

It is believed these restrictions, as they apply to Wisconsin, are contrary to the best interests of the Nation because in Wisconsin field corn "spells" dairy products, and Wisconsin normally produces 18 percent of the Nation's processed dairy products. As far as Wisconsin is concerned, field corn should be placed in the group A crops.

NEED OF FIELD CORN IN WISCONSIN FOR FERTILIZER CONTAINING CHEMICAL NITROGEN IS FAR GREATER THAN IS THIS NEED BY SOYBEANS AND PEANUTS IN OTHER REGIONS

To give preference, as regards chemical fertilizer nitrogen, as FPO 5 does to soybeans and peanuts grown in various States over field corn in Wisconsin is not in accord, for the most part, with either experimental results or recommendations of experiment stations.

Little or no evidence exists that soybeans need fertilizer nitrogen

The soybean, being a legume, is able to obtain all the nitrogen it needs from the air, when properly inoculated. Experiment stations in the principal soybean-growing States do not recommend fertilization of this crop with nitrogen because little substantial evidence exists that such fertilization is beneficial. For example:

In the recent Ohio Extension Bulletin 207 is stated: "Soybeans respond very little to direct application of commercial fertilizer."

In Illinois Extension Circular 527 (1942) it is stated: "Soybeans respond less to fertilizers with possible exception of potash than most other crops."

In Indiana Extension Bulletin 231 (1938), page 4, the following data appear:

Preceding crops	Average yield in bushels per acre 1922-36 of corn and soybeans following preceding crops	
	Corn	Soybeans
Clover	57.9	24.0
Soybeans	50.4	22.7
Corn	48.4	23.8
Oats	49.4	24.0
Wheat	48.6	22.6
Timothy	49.4	22.9

These data show that the yield of soybeans following clover, which supplies nitrogen to the following crop, was not significantly greater than the yield of the beans when they followed a non legume which removes rather than supplies nitrogen. In fact, the soybean yields following clover and oats are precisely the same, while the corn yield following clover is strikingly higher, showing its great need for nitrogen fertilization. These data support the common statement that soybeans, when properly inoculated, will derive at least two-thirds of their needed nitrogen from the air, and are not materially benefited by nitrogen fertilization. In none of the great soybean-growing States is it recommended that the beans be fertilized with nitrogen. In fact, direct fertilization with even phosphate and potash is of questionable profit in most cases in these States.

Evidence shows peanuts in most cases do not need fertilizer nitrogen

Likewise the peanut, being also a legume, is, when properly supplied with minerals, benefited little, if any, by nitrogen fertilization. In a comprehensive bulletin, Peanut Production, Bulletin 366 (1942), Mississippi Agricultural Experiment Station, statements as follows appear:

Page 14: "Experiment station results indicate that the greatest fertilizer needs of the peanut are phosphorus, lime, and potash."

Page 18: "The peanut, being a legume, draws most of the nitrogen from the air, but draws upon the soil for phosphoric acid, potash, and lime."

Page 19: "It is believed that when other crops in the rotation receive applications of fertilizer it is necessary to apply only phosphorus to the peanut crop. Our experimental results show that large quantities of nitrogen used on a fairly fertile soil always produce a poor quality of peanuts. At the same time, the yield is not materially increased. The use of this element causes the vines to grow too rapidly and consequently the axils where the flowers are formed, are too far apart. It also causes a profuse growth of vine and a corresponding lateness of maturity. When the vines are killed by frost there are always a number of immature nuts or 'saps' which are of a dark color and require much longer to dry than fully matured nuts. These results are not applicable under all conditions, however. On light, sandy soils, which are deficient in organic matter, an application of nitrogen often pays, especially when used in connection with phosphoric acid."

In a late bulletin, Culture and Fertilizer Studies with Peanuts, Bulletin 209 (1941), Georgia Agricultural Experiment Station—results of numerous fertilizer tests with peanuts are given and from these results those pertaining to the question at issue (tables 3, 6, and 8) are quoted in the tabulation that follows:

Place in Georgia of test, year, and variety	Yield per acre of nuts	
	Fertilizer without nitrogen	Fertilizer with nitrogen
Dawson (1937) Spanish variety	1,308	1,261
Dawson (1937) Carolina Runner variety	1,482	1,452
Hawkinsville and Cuthbert (1938-39), 2-year test at both places, Spanish variety, average 4 tests	933	1,040
Hawkinsville and Bronwood (1940) Spanish variety, average yield both places	815	676

In this bulletin, page 16, a statement as follows appears:

"Nitrogen is the chief element in peanut fertilizers which increases grass growth. Owing to the slow growth of the peanut plant in early stages, peanuts compete poorly with crab grass and yields are poor unless the grass is cleaned out. Putting 24 pounds nitrogen under peanuts increases the amount of hand hoeing required."

On page 17 of this bulletin, it is indicated that in a rotation in which the other crops have received average fertilization, it is doubtful that fertilization of peanuts even with minerals will usually pay

On the basis of the evidence found in these bulletins, one is impelled to conclude that even if there was no nitrogen shortage, fertilization of peanuts with nitrogen would be inadvisable, excepting possibly when grown on the very poor soils.

Fertilization of canning peas (a legume) has been under careful investigation in Wisconsin for the past 5 or 6 years and the results give further evidence regarding fertilization of legumes in general. These results show conclusively that when the peas are properly inoculated and fertilized with minerals, addition of nitrogen fertilizer is inadvisable and unprofitable except in the case of early peas grown on soils low in organic matter. The recommendations of the Wisconsin station are in accord with these findings (see attached mimeographed directions regarding fertilization of peas).

Field corn in Wisconsin responds markedly to starter nitrogen

On the other hand, for the past 20 years or more, the Wisconsin Agricultural Experiment Station, on the basis of hundreds of tests and observations, has recommended hill fertilization of field corn with 75 to 125

pounds per acre of fertilizer containing 2 to 4 percent of starter nitrogen. About 25 years ago the Wisconsin Station started extensive investigations of corn fertilization, involving kinds of fertilizers and methods of application. These investigations showed that the hill application of 75 to 125 pounds per acre of mixed fertilizer containing chemical starter nitrogen produces benefits as follows:

1. This fertilizer, being concentrated right near the seed, fertilizes the corn and not the weeds, and thus gives the corn a quick start so it may be cultivated early to advantage, thus saving much labor in later cultivations.

2. The early and vigorous growth promoted by this fertilization often hastens maturity by 1 to 2 weeks and greatly lessens frost injury, especially of the later, high-yielding varieties.

3. This fertilization, by insuring full maturity, favors high quality and feeding value either as silage or grain corn.

4. Because of the vigorous early growth produced, the corn is enabled to feed on the natural supply of nutrients in the soil so that the final yield is generally increased by 25% or more.

Is it necessary to put nitrogen in the fertilizer that is applied in the hill? Here is one result (a sample) obtained in 1923 that bears on this point:

	Bushels corn per acre
No fertilizer	21.7
120 pounds per acre of 0–12–2 (phosphate and potash)	23.1
120 pounds per acre of 2–12–12 (nitrogen, phosphate, and potash)	33.9

Although these are low yields, the influence of the nitrogen is striking.

How much is early growth stimulated? Here is one illustration of hundreds of similar cases noted:

(Picture not printed)

(Legend: An application of 100 pounds per acre of fertilizer in the hill, costing only $1.75, made the difference. Commercial fertilizer applied with an attachment on planter gets corn off to a vigorous start, permits early cultivation and effective weed control, advances maturity, and increases yield.)

The above result was obtained in 1942 in central Wisconsin. The picture was taken July 6; at this time corn should be knee high which it is on the fertilized portion where the yield was increased 16 bushels per acre. Note the slow growth of corn on the unfertilized portion; this greatly hinders effective cultivation. This slow growth occurs over most parts of Wisconsin whether the land is manured or not.

Why should a small amount of fertilizer containing chemical nitrogen do so much in Wisconsin where so much manure and legume nitrogen are added? There are several reasons for this: First, the large amounts of nitrogen supplied in Wisconsin by legumes and manure are not available to the small corn, either positionally or chemically; it being plowed under, it is some distance from the young plant; it being in organic form, it must be changed by bacterial activity to ammonia and nitrate before the corn can use it; in Wisconsin, because of the cool spring weather, this change does not go on rapidly until about June 15. This has been definitely determined by experiment.

It should also be noted that the presence of a large supply of manure and legume nitrogen without starter or chemical nitrogen may actually be detrimental to corn in a cool short season as frequently occurs in Wisconsin, because by producing excessive late growth without an early start it may delay maturity and thus cause undue frost damage. Thus, the addition of large amounts of manure and legume nitrogen in Wisconsin increases Wisconsin's need of starter nitrogen for corn over that of Michigan's need for this purpose, since Michigan does not apply nearly as much manure. Because of Wisconsin's cool spring climate, this need of starter nitrogen is also much greater in Wisconsin than farther south in Illinois, Indiana, and Ohio.

In the fall of 1942, an early frost in September injured a lot of corn in Wisconsin to the extent that much poor silage was produced and this is now reflected in the milk flow. Without fertilizer containing chemical nitrogen, the hazard of serious frost injury to the field corn in Wisconsin is greatly increased, and the yield is materially reduced.

Because of the favorable results obtained, about one-half of the farmers in Wisconsin are now practicing hill fertilization of corn with fertilizer containing starter nitrogen. Restriction of use of fertilizer for corn containing chemical nitrogen to those farmers who have previously made such use means that possibly 25,000 farmers in Wisconsin who will want to make this use for the first time will be denied doing so, even though the Agricultural Experiment Station and Extension Service are strongly recommending the practice as an effective measure for promoting increased production of dairy products. This is creating an incompatible situation.

PRESENT RATIONING PLAN FOR FERTILIZER NITROGEN ON AN HISTORICAL BASIS STRIKES WISCONSIN AT STAGE WHEN HER NORMAL CONSUMPTION IS RISING AT PHENOMENAL RATE

In this connection it should be realized that only about one-half of the farmers in Wisconsin have ever used fertilizers, and that just now the use of fertilizer in the State is increasing at a phenomenal rate. This fact is well illustrated by the figure that follows:

(Graph not printed)

(Legend: Figure showing fertilizer consumption in Wisconsin (1938–43). Note phenomenal rate of increase right now.)

The use of fertilizer in the State in 1942 increased 57 percent over the use in 1941, and if the fertilizer were available for purchase, a similar tonnage increase would normally follow the coming season. In other words, the present fertilizer rationing plan based on past use strikes Wisconsin right at the very stage when her base of past use is undergoing a phenomenal increase. States in the South and to the East and even nearby States like Michigan, Indiana, and Ohio have long since reached a much more near saturation point on which their allocation of fertilizer is now based. Illinois, Iowa, and Minnesota, because of their better soils and other factors, have as yet not reached the stage of rapid increase in fertilizer use. For the reasons given, the present rationing plan imposes a most serious handicap to Wisconsin's food-production effort.

The total amount of chemical nitrogen needed to supply Wisconsin's need for all fertilizer purposes is relatively small, being only slightly more than one-half of 1 percent of the Nation's total consumption and about one-half of what Michigan uses and is being allocated. On the basis of amounts and kinds of critical war foods produced in Wisconsin and Michigan, it does not appear to be in the best interests of the Nation that Wisconsin be given only one-half as much chemical fertilizer nitrogen as Michigan.

REVISION OF FPO 5 SO AS TO RELEASE IMMEDIATELY MORE NITROGEN FOR FIELD CORN IN WISCONSIN IS URGENT

The greatest single need for chemical nitrogen in Wisconsin is for fertilization of field corn used to produce milk. The present provisions of FPO 5 restricting use of chemical nitrogen on corn to previous users will prevent possibly 25,000 milk producers in Wisconsin from using chemical nitrogen to produce milk. Furthermore, the date of April 1, when past users of chemical nitrogen for corn may get consideration for their final allotment, is too late in the season. This date should be advanced to March 15, because farmers must complete their plans before April 1, and shipments to the country towns should be made in full carloads, consisting of a variety of fertilizers, some of which may be used on small grain by April 1. Transportation, manufacturing, and shipping facilities by the manufacturer will be greatly handicapped by withholding portions of orders until a date as late as April 1. This will mean in many cases that orders will be split so that much less than carload and truckload lots will have to be transported.

Reports are being received that the nitrogen needs for munitions manufacture are now being supplied by Government-built synthetic nitrogen plants to the extent that chemical nitrogen is piling up as a surplus at other places of private production, but is not being released for agriculture. This matter should be investigated immediately, and any surplus found should be released immediately to the fertilizer industry so the farmer will get it in time. It certainly will be gross negligence if all available supplies of chemical fertilizer nitrogen are not released in time for use this spring.

It appears that the fertilizer industry serving the Middle West is in a position to make up and ship fertilizers in excess of that delivered last year if the nitrogen materials are released in time. Information from Darling & Co., Chicago, is to the effect that they can increase their delivery at least 25 percent over last year providing proper releases of material are made immediately.

It is also being reported over the radio that recently 25,000 tons of ammonium sulfate (5,000 tons of elemental nitrogen) were delivered to Spain for fertilizer purposes. This is more than twice as much fertilizer nitrogen as Wisconsin is being supplied. The writer has not had opportunity to check this report of shipment to Spain and doubts its truth. Nevertheless, our farmers get these reports over the radio and wonder why they cannot get the small amount of nitrogen needed to facilitate their effort in producing dairy and other much needed food products. When the Wisconsin farmer is urged to increase food production and then is given only one-half of 1 percent or less of the Nation's fertilizer nitrogen, resulting in many farmers getting no nitrogen at all, might it not be said that many of these farmers are being asked to fight the battle of food production pretty much with their bare fists?

PUERTO RICAN INDEPENDENCE

Mr. TYDINGS. Mr. President, one of the most encouraging and heartening things in connection with the Puerto Rican problem is contained in an Associated Press dispatch today from San Juan, P. R., which I will read:

SAN JUAN, P. R.—A campaign to win enthusiasm for Senator MILLARD E. TYDINGS' independence bill opened today in earnest as the newspaper El Imparcia gave prominence to a "Patriotic Manifesto" calling for a mass meeting to support independence.

The conservative paper El Mundo broke a week-long silence on the Maryland Senator's measure and editorialized for its approval.

El Mundo declared that proponents of both statehood and independence should appear before the Tydings committee to claim for the people their right to resolve their status by "free determination."

Besides printing the manifesto signed by more than 60 lawyers, writers, and doctors, El Imparcial criticized the proposed elective governor bill as merely a temporary gain

which would in fact extend the colonial regime.

The manifesto called on Puerto Ricans to unite for the historic moment when "Twenty sister republics in solidarity with the United States look to Puerto Rico to bridge the fraternal union with the Americas."

Mr. President, the bill which has been introduced to achieve independence for Puerto Rico is not a perfect bill. It will undoubtedly have to be amended in view of testimony and facts which will be adduced at the hearings. I believe its approach is a fair one. I believe that in essence it is very fair to the people of Puerto Rico and provides them with an opportunity to achieve independence with a minimum of hardship. Therefore it is gratifying to me to know that the bill has been received in Puerto Rico in the spirit in which it was introduced.

The newspaper El Mundo and the newspaper El Imparcial are the two leading newspapers of Puerto Rico. They have very great influence among the population in the island. Therefore to have gained their cooperation toward the achievement of this mutually beneficial status for Puerto Rico in the years to come is something for which I, as an individual, am very grateful, and I believe it will conduce to a fair understanding and a fair solution of the Puerto Rican problem.

The Committee on Territories and Insular Affairs will in the not-far-distant future begin hearings on the bill. We shall have members of the Army, the Navy, and the Air Force before us. We shall have a report from the Tariff Commission. We shall have a report from the State Department, from the Commerce Department, from the Interior Department, and from other governmental agencies directly or indirectly concerned with the provisions of the bill.

I feel confident that if the people of Puerto Rico want independence a solution can be reached in the form of a bill which will give them a real opportunity not only to get it but to keep it successfully. I likewise believe, from my meager knowledge of Puerto Rican conditions, that in the long run the best interests of Puerto Rico and its people will be served if an appropriate independence bill shall be passed by Congress and submitted to them for their approval.

Mr. CHAVEZ. Mr. President, I saw the article to which the Senator from Maryland refers, and I know that the people of Puerto Rico received the introduction of the bill by the Senator from Maryland in the spirit in which it was meant. However, the information which I get from Puerto Ricans is that the reasons why they are in favor of independence are not the reasons which the Senator from Maryland would attribute to them. My understanding is that the people of Puerto Rico are enthusiastic now for the Senator's bill—or at least some of them are—because they feel they have been neglected completely by the Government of the United States. They feel that if they had independence some gesture of some kind would be made to try to cooperate with them. But they become completely disgusted, as citizens of this country, when they see American ships go to Puerto Rico, which produces sugar, and then go in ballast to Cuba, and pick up Cuban sugar. They think that if they were independent they would be able to sell their sugar. They feel that if they were independent possibly they would be able to make with our Government some kind of a contract by which the citizens of the island could get work in the United States. They feel that if they were independent, possibly they could develop the small industries which they have without encountering the handicaps which they have met in dealing with continental manufacturers. For instance, take cement: In the city of Ponce there is a small cement industry which has been a success; but, nevertheless, now, even though we are so short of shipping space that we are unable to send foodstuffs to Puerto Rico, cement—instead of foodstuffs—goes from continental United States to Puerto Rico. That is why there appears to be in certain quarters some enthusiasm for the bill of the Senator from Maryland.

I feel differently. I feel that down in their hearts and in their consciences the majority of the people of Puerto Rico want to solve their problems in an American way. I have been trying to be open-minded about the bill which the Senator from Maryland introduced, and I am. No one is more liberal than am I. I actually feel for freedom and for liberty. But because I consider the Puerto Rican problem an American problem, I shall not make up my mind until we find out what we are going to do with our children. To my mind, the problem is that of parent and child. Would the average parent turn his children loose before he knew that they could take care of themselves? I do not think he would. I do not think any of us would.

I know that the Puerto Rican problem is a hard one to solve, but I have faith that the American people, with the cooperation of the people of Puerto Rico, can solve it.

Mr. LANGER. Mr. President, will the Senator yield for a question?

Mr. CHAVEZ. Certainly; I yield.

Mr. LANGER. I agree with what the distinguished junior Senator from New Mexico says, but I should like to have his reaction to the following question: In the Senator's judgment, would Puerto Rico be better off as a State of the United States, rather than having its own independence?

Mr. CHAVEZ. I should like to answer that question for the Senator now; but, as he knows, a committee of this body went to Puerto Rico some time ago, and we should prefer not to make any personal comments until the committee shall have taken some action on the information which we have heretofore received.

Mr. LANGER. The Senator knows that I introduced a bill to that effect some time ago; does he not?

Mr. CHAVEZ. Yes. I believe that until the Puerto Ricans get independence or until they get statehood, under the present system it would be better for Puerto Rico and for this country if they had as Governor one of their own people. I do not say that because I am against any particular person who might have been Governor of Puerto Rico, but if we want to carry out the idea we have in this country, the idea we love and revere under the system of appointment by the President of the United States, let us get a first-class, law-abiding, intelligent citizen of the island to be its Governor. I think that would help Puerto Rico.

SENATOR WHEELER AND LT. EDWARD COOPER—ARTICLE BY DREW PEARSON

Mr. McFARLAND. Mr. President, on March 12, while I was in Arizona, there appeared in the Washington Post in the Drew Pearson column, an article headed "WHEELER'S Problem." It is stated there that—

Montana sugar-beet farmers, desperately hard up for labor, doubtless will be interested in the way one of their two Senators, BURTON K. WHEELER, solved a manpower problem with th help of the United States Navy.

Senator WHEELER is chairman of the Interstate Commerce Committee, which sponsored the bill to merge the Western Union and Postal Telegraph Cos.

Early last year an investigator for this committee, Edward Cooper, obtained a commission as a lieutenant in the Navy's Communications Section. Now Senator WHEELER has got Lieutenant Cooper assigned back to the Interstate Commerce Committee.

WHEELER went right to the top to swing this little deal. He urged Navy Secretary Knox to permit Cooper to return to his old job until the telegraph merger bill passed Congress. WHEELER explained that Cooper's services were sorely needed because he had given a great deal of time and study to the legislation.

Knox referred the request to Navy personnel officials, with the result that Lieutenant Cooper was given an indefinite leave to assist WHEELER as long as needed. He has been occupying an office close to WHEELER'S in the Senate Office Building since February 1.

Just what his duties are remains a mystery. All studies relative to the merger bill were completed last year, and the bill was sent to the President for his signature February 25, yet Cooper, at last report, was still occupying an office on Capitol Hill.

Mr. President, in fairness to the Senator from Montana, to Secretary Knox, and to Lieutenant Cooper, I feel that I should make a brief statement in regard to this article.

Had Mr. Pearson been correctly informed as to the facts, I am sure that the article would not have appeared. Edward Cooper was secretary to the special committee to investigate telegraph merger legislation. He was also secretary to the subcommittee which studied the bill after it was introduced by the Senator from Maine [Mr. WHITE] and the Senator from Arizona. He helped us upon that bill up to the time he went into the Navy.

The so-called telegraph merger bill passed the Senate before Ed Cooper was assigned back to assist us. After it passed the Senate and the House a conference committee was appointed, of which the Senator from Arizona was chairman. There was much work to be done in the joint conference committee.

The Senator from Montana asked Secretary Knox to loan Lieutenant Cooper to serve the committee during the conference.

Lieutenant Cooper rendered most valuable and efficient service to the conference committee. If there is any criticism for the few days that he worked for the conference committee, it should be directed at myself and the other members of the conference committee, rather than at the chairman of the Interstate Commerce Committee, the Senator from Montana [Mr. WHEELER]. I feel that the criticism is unfair to the Secretary of the Navy and to the Senator from Montana.

Lieutenant Cooper was here only during the conference consideration of the bill. Immediately upon our agreement he went back to the service of the Navy. I tried to have him remain a few days longer to answer some of the many questions which were coming to the conference committee in regard to the bill, but he told me that his services were demanded by the Navy, and that he had to return.

Mr. HILL. Mr. President, will the Senator yield?

Mr. McFARLAND. I yield.

Mr. HILL. As a member of the subcommittee of which the Senator from Arizona was chairman, which subcommittee considered the bill and acted as conferees on the part of the Senate, I wish to join with the Senator from Arizona in his statement, emphasizing that Mr. Cooper was here for only a very few days away from his naval duties—only the few days the bill was under consideration by the conferees.

He had an intimate knowledge of the bill. He had played a great part in the original drafting of the bill, and we felt that Mr. Cooper's services would be invaluable to the conferees. That is why we asked the Senator from Montana to request Secretary Knox to let us have the benefit of Mr. Cooper's services while we were in conference considering and working out the final form of the bill. Mr. Cooper knew so much about the bill, and had it so much at his finger tips, that the truth is that the conferees—certainly the Senate conferees—would have been at a great disadvantage if we had not had Mr. Cooper's advice while we were working on the bill in conference.

Mr. McFARLAND. I thank the Senator.

AWARD OF DISTINGUISHED SERVICE CROSS TO LT. COL. G. B. GREENE

Mr. TRUMAN. Mr. President, I have just received a copy of a citation issued by General MacArthur for a Distinguished Service Cross for Lt. Col. G. B. Greene, who is a lieutenant colonel in the Air Corps. He is the son of Judge and Mrs. George Benjamin Greene, of Anderson, S. C. Judge Greene is a member of the Supreme Court of South Carolina. His wife, Jane Drake Greene, is the daughter of Brig. Gen. Charles C. Drake, a prisoner of the Japanese from Corregidor. Mrs. Charles C. Drake is a cousin of Mrs. Truman. Colonel Greene returned to this country March 14 after 14 months in New Guinea. He was awarded the Distinguished Service Cross on April 2 by General MacArthur for extraordinary heroism, displayed over New Guinea on April 30, 1942. The citation from General MacArthur reads as follows:

> Greene was honored for his achievements over Lae last April 30 and the other 5 for their work over Salamaua the same day. The 5 who had just arrived in the combat zone and their squadron were ordered into action for the first time. Greene was not required to participate but he voluntarily went on the mission over unfamiliar terrain. The mission approached Lae from the sea, took the enemy by surprise, destroyed or damaged 15 heavy bombers and several fighters, then proceeded to Salamaua where the flyers machine gunned ground installations and personnel and destroyed 3 seaplanes. When a superior number of enemy fighters attacked at low altitude, Greene shot down 1 fighter and damaged several others.

Mrs. Greene has been living with her mother, Mrs. Charles C. Drake, and her sister, Mrs. D. E. Williams, wife of Colonel Williams, of the Army Air Corps, who is also out of the country, at 2742 Woodley Place NW.

VETO OF AGRICULTURAL PARITY BILL

Mr. MOORE. Mr. President, I hold in my hand an editorial appearing recently in the Daily Oklahoman, a newspaper which has been in existence for many years and which ranks as the equal of any newspaper in the great Southwest in soundness of editorial policy. It deals with the subjects embraced within the Bankhead bill and other measures recently considered and discussed in the Senate.

This editorial does not bear out the statement that all the newspapers in the country condemn the principle set out in the Bankhead bill. It deals also with the veto by the President. It states with some degree of accuracy, I think, that the farm income constitutes about one-tenth of the national income. The President's veto would seem to indicate that this bill would result in an increase in prices of about 10 percent. If we assume that to be correct, that would mean that possibly the farmers' income would be increased about $1,000,000,000, and that figure in itself is solemnly declared to be calamitous in starting the spiral of inflation which would engulf this country in economic chaos.

It has been stated by some of my colleagues that this bill is a bill to do away with subsidies. In the bill we have sought to prohibit benefits and subsidies from being considered in arriving at parity for farm prices. I think the editorial is somewhat persuasive that the President, in his veto message on the bill, exaggerates the calamity that its enactment would produce. I most definitely agree with the sentiments expressed by my colleagues to the effect that subsidies and benefits to farmers should be repealed.

Mr. President, I invite special attention to the significance of the title of this editorial, "First To Be Denied." That, of course, refers to the farmers. The farmers are to some extent organized, of course; but because of the very nature of the wide diversity of farms, they are not susceptible to complete organization. The farmers have been asked to make a greater sacrifice than other elements are making. The editorial proves that benefits now denied to farmers are enjoyed by other classes; it proves convincingly that under an administration which is completely responsible to the proletariat and the big-city influence, the farmers are the stepchildren of the Government. Their prayers for what they honestly consider equal justice are the last to be heard and the first to be denied.

Personally, I feel that yesterday I witnessed the most humiliating experience it has ever been my lot to feel. I refer to the passage by a voice vote of an appropriation of $40,000,000 for the creation of another bureau further to centralize in Washington the activities of the citizens. Legislation of such far-reaching and portentous implications on appropriation bills is extremely alarming. We have harangued the people about the curtailment of bureaus and bureaucratic infiltration among the confusion of frustrated people, and yet from time to time we are increasing and expanding this plague of democracy. The remedy claimed to be effected by the bill passed will operate to revive what we thought were dormant bureaus, and add additional politicians to the long list. In my candid opinion, this will not be of any practical benefit, but will add to the perplexity of the farmers. The implications contained in the bill will, after the war is over, have repercussions which will be embarrassing and annoying.

Mr. President, I ask unanimous consent to have the editorial referred to printed in the RECORD at this point as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Daily Oklahoman]

FIRST TO BE DENIED

Fairly recent figures estimated the approximate income of the American people for the past year at $90,000,000,000. The estimated income of American agriculture was $10,000,000,000, or one-ninth of the whole. Those figures were not absolutely accurate when they were first published, and they probably are even more inaccurate today, but it is unlikely that there has been any material change in the proportion of the total that the farmers of the country receive.

But the President has vetoed an agricultural parity bill on the ground that it would increase the farmer's income about 10 percent and thereby vastly augment the perils of inflation.

It is rather difficult to see how the addition of a billion dollars to a total national income of $90,000,000,000 could plunge the country into the troubled seas of inflation. It is likewise difficult to see the justice of denying this billion-dollar increase to agriculture after many billions have been added to the income of business and labor. And it is downright bewildering to see the administration blocking a billion-dollar increase to a $10,000,000,000 budget after it has helped and repeatedly helped to add billions to an $80,000,000,000 budget.

Theoretically, if not positively, the President is right when he says that no special interest should be permitted, or even seek, to make a special profit from the exigencies of total war. No one of patriotic impulse can

quarrel with such a postulate as that. Practically though, other special interests have already reaped immense profits from the war program, and some of them have been favored by administration acquiescence and even by the administration's positive help. It is only when the farmers ask for what business and labor have been given freely that the dangers of inflation begin to stir the misgivings of the Government.

In the veto message of the President are sharp intimations that there will be no more increases in prices and wages. There is the fairly clear implication that the present national income is going to be frozen exactly where it is and kept stationary for the duration. If that is necessary to prevent the ravages of inflation, there will be little opposition to the freezing. And if the farmers of the country believe that it is necessary for them to make a special sacrifice in order to serve the general welfare, they will make that sacrifice with reasonable cheerfulness.

But the record proves quite clearly that the farmers have been asked to make a greater sacrifice than other elements are making. It proves that the benefits now denied to the farmers are enjoyed by other classes. It proves convincingly that under an administration that is completely responsive to proletarian and big city influences the farmers of America are the stepchildren of the Government. Their prayer for what they honestly consider equal justice is the last to be heard and the first to be denied.

EFFECT OF WAR ON SMALL BUSINESS ESTABLISHMENTS

Mr. BUTLER. Mr. President, I was quite interested in the remarks made a few moments ago by the Senator from Oklahoma [Mr. MOORE]. I should like to make one additional suggestion concerning a class of people who, as well as farmers, have not been taken into consideration in the attempts which have been made of late to reorganize our economic affairs.

The pending bill, which is in charge of the Senator from New York and which the Senate will soon proceed to consider, has caused me considerable concern. All of us desire to pay what is fair to those who work for the Government, if we are in position to pay it. I do not think there is any exception to that. But there must come a time when we shall have to give consideration to our ability to pay.

Mr. President, I have in my hand a letter from a former Governor of the State of Nebraska which refers to a group of people about whom we have heard considerable of late. I ask unanimous consent that the letter be inserted in the RECORD at this point as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BY THE WAY RANCH,
Lincoln, Nebr., April 6, 1943.

Hon. HUGH BUTLER,
United States Senate,
Washington, D. C.

DEAR HUGH: The thing uppermost in the towns and cities now is how we are going to be able to continue our businesses. Government reports and rationing have multiplied the work our executives and clerical force formerly had to do. On the other hand, many of our experienced employees have been taken in the draft or have gone to what they thought were more fruitful fields. We, like everyone else, are very short of experienced and capable help. Now it is proposed to take men from 38 to 45. That would include our manager and the heads of three or four other departments. I do not see how we could possibly operate if that were done.

Thi is cited as affecting not only our organization but thousands of other small businesses. I talked with the owner of a cleaning establishment this morning. For months they have been making deliveries every 3 days where they used to make it every day. Now it is 4 days. This manager told me that in the last 6 months they have had a turn-over of 70 employees, which is more than they had in 38 years prior. He said he did not see how they could continue in business. He thought that he and his partner might try to do enough of the work themselves to secure income for paying taxes and continue in business, but he doubted that they would be able to do even that. Every institution has its own story, and they all tend toward the same result; namely, the internal economy is being gradually wrecked beyond the point that it can recover after the war is over. Maybe that is the price that will have to be paid for winning the war, but before we resign ourselves to it I believe it is vital to canvass the need for the size military organization now proposed. More vital still, it is unthinkable that this Nation should be on a 40-hour week or the equivalent so far as the wage level is concerned, while thousands upon thousands of businesses are being wrecked through a manpower shortage.

I quote from the April issue of Reader's Digest:

"On the authority of the New York Times the war this year will cost the United States more than all the other belligerent nations put together. According to these estimates, it will cost the United States roughly $100,000,000,000; Germany, $34,400,000,000; Great Britain, $21,330,000,000; Russia, $15,000,000,000; Italy, $8,670,000,000; and Japan, $7,000,000,000.

"Although the United States budget tops the war expenditures of allies and enemies combined, the United States will not maintain larger armies and navies than all these other nations put together. It does not mean the United States will produce more munitions and supplies than all of them. It means that, through unprecedentedly high wages, through overtime due to the 40-hour week, through an unwieldy bureaucracy, we are paying far more for far less, proportionately, than any other nation. Such prodigality is a serious threat to our country's economic future."

We may be able to win a war that way. What will be left after it is over? Unless Congress saves the situation it will not be saved.

Cordially yours,

SAM R. MCKELVIE.

Mr. BUTLER. Mr. President, I should like to mention the group referred to in the letter. It consists of small businessmen who are gradually and rather at an increased rate disappearing from the scene. Their employees are being taken from them. Their businesses are being closed. Their number is not small; they comprise hundreds of thousands the Nation over. So I cannot refrain from suggesting that now is a good time to call a halt and consider for a moment whether at this time we should attempt to make life easier for those who are working for the Government. I should like to be able to do it, as I am sure all other Senators would. War is a grim business, to say the least. It is a time when we should make sacrifices and every group should be willing to sacrifice to the limit.

In the Reader's Digest of recent date there appeared an article quoting the New York Times to the effect that our Government will spend during this year more than $100,000,000,000 which is a greater amount than will be spent by the other contestants in the war on both sides. I think it is time to call a halt, and that each and every person should make a personal sacrifice toward winning the war.

ADDITIONAL COMPENSATION FOR GOVERNMENT EMPLOYEES

The Senate resumed the consideration of the bill (H. R. 1860) to provide for the payment of overtime compensation to Government employees, and for other purposes.

Mr. MEAD. Mr. President, I ask the Chair to state the pending question.

The ACTING PRESIDENT pro tempore. The pending question before the Senate is on agreeing to the amendment proposed by the Senator from California [Mr. DOWNEY] on behalf of the Senator from Utah [Mr. THOMAS] to the committee amendment, striking out lines 21 to 25, inclusive, on page 6 of the substitute and inserting in lieu thereof certain other language.

Mr. MEAD. Mr. President, for the information of the Senate may we have read the language which is to be stricken out?

The ACTING PRESIDENT pro tempore. The clerk will read the language to be stricken out.

Mr. MCNARY. I am informed that if the Senator from California [Mr. DOWNEY] were present it would not be his intention to insist on the amendment. He is now absent from the city.

Mr. MEAD. Mr. President, it is my understanding that he offered two amendments, and that he asked for the consideration of one and not the other. If the one he wishes consideration of is the one I have in mind, the situation will be clarified by having it read by the clerk.

The ACTING PRESIDENT pro tempore. The clerk will read the amendment for the information of the Senate.

The LEGISLATIVE CLERK. On page 7, in line 8, it is proposed to amend by substituting a period for the colon, and striking out everything after the colon down to and including line 12.

Mr. MEAD. Mr. President, I may explain that the proposed amendment has only to do with overtime being compensated for by compensatory time off. It has nothing to do with the overtime basis. The Senator from California asked us to consider that proposal. He said he had discussed it with a number of persons. Personally, I do not believe it is vital because it is not contained in the House bill, and we could take it up in conference.

Mr. MCNARY. What effect, may I ask, would the amendment have on the bill?

Mr. MEAD. It would merely have the effect of preventing the heads of departments and agencies compensating workers who work more than 48 hours a week, by giving them time off instead of paying them for the time they work. It would have little or no effect on the main purposes of the bill.

Mr. MCNARY. Would it add to the outlay?

Mr. MEAD. No; two methods are provided for compensating the worker who works more than 48 hours; either by paying him practically straight time, or giving him some additional time off to compensate him for the extra work. That is all it does. It will not cost anything.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. BARKLEY. Does the Senator mean that if an employee works overtime he will be given time off from his regular employment equal to the time he works overtime?

Mr. MEAD. That is correct. It merely prescribes either that method, or the method of paying the employee for the overtime worked.

Mr. BARKLEY. What good would it do to give him compensation for overtime if there shall be deducted from his regular salary an equal amount?

Mr. MEAD. He can work for 48 hours which is, we will say, a stated week established by the head of the agency. But in a crisis the agency may wish to work a certain employee 50 or 52 hours. For the time over 48 hours the agency may give the employee compensatory time off during the following week. It would probably save bookkeeping. It might be helpful and it might not be helpful. It will have very little to do with the bill.

Mr. BARKLEY. Is this a part of the Thomas amendment which was presented?

Mr. MEAD. Yes; it is the latter part of the amendment not the first part.

Mr. VANDENBERG and Mr. BURTON addressed the Chair.

The ACTING PRESIDENT pro tempore. Does the Senator from New York yield, and if so to whom?

Mr. MEAD. I yield first to the Senator from Michigan.

Mr. VANDENBERG. I wish to ask the Senator from New York this general question: Since the Senate recessed last night the President issued a general order relating to compensation, and has put rather drastic ceilings—I think very appropriately—in many directions. Is there anything in this proposed legislation which would collide with the new formula announced by the President in respect to the wage question?

Mr. MEAD. Mr. President, it is my opinion that it in no way does violence to the President's message, first of all, because we are not raising the basic pay; we are lengthening the workweek about 20 percent but are giving the employee about 20 percent additional pay to compensate him for the extra time he works. We are actually paying him straight time for overtime. So we are doing nothing which would be at variance with the philosophy of the President's order, and the President, I understand, has just signed the postal-pay bill which is somewhat similar to the pending bill.

Mr. VANDENBERG. How about the proposed Thomas amendment which changes the overtime base?

Mr. MEAD. The Thomas amendment would insert in the bill the overtime yardstick which is used generally in private industry, the yardstick which the Congress inserted in the wage-and-hour law, the Bacon-Davis law, and the Walsh-Healey law, a yardstick prescribed by the Government for 60 percent of all Government workers who are engaged in the arsenals, repair depots, navy yards, and so forth.

I will say to my distinguished colleague from Michigan that the committee considered that, and, by a substantial vote, as was brought out in the Senate yesterday, changed the yardstick from one two-hundred-and-sixtieth to one three-hundred-and-sixtieth so that, in reality, instead of giving them time and a half by that yardstick, it gives them just a little over straight time. I presume the vote taken in the committee, which was a substantial one, should, at least, guide me in explaining what happened in the committee to that amendment, for, after all, the committee has authorized me to speak for it on the floor of the Senate.

Mr. VANDENBERG. As I understand, the amendment to which the Senator now refers, which was rejected by the committee, is to be offered on the floor?

Mr. MEAD. No; it is not to be offered at the present time at least. The amendment is merely a compensatory time amendment, but not the Thomas amendment. I have no information that the Thomas amendment will be offered.

Mr. BYRD. I think it was offered yesterday by the Senator from California [Mr. DOWNEY].

The ACTING PRESIDENT pro tempore. The Chair will state that the Thomas amendment is the pending question before the Senate at this time.

Mr. MCNARY. Mr. President, that is the observation I was making a moment ago, and I am informed reliably that the amendment was not intended to be pursued or pressed for consideration this morning. The Senator from California, who is not now present, I understand, thought we might well abandon that amendment.

Mr. MEAD. The situation can be simplified by separating the amendment, as it was my understanding that the Senator from California asked for action only on the second portion of the amendment. It seems to me that is what he discussed on the floor of the Senate, but, if that was not his idea, we can vote on the amendment divided, on the first section now and the second section a little later.

The ACTING PRESIDENT pro tempore. There are two amendments in the Downey proposal.

Mr. MEAD. Then, Mr. President, which one of the two proposals is now before the Senate?

The ACTING PRESIDENT pro tempore. The question before the Senate is on agreeing to the amendment offered by the Senator from California [Mr. DOWNEY] for the Senator from Utah [Mr. THOMAS], to strike out lines 21 and 25, on page 6, inclusive, and insert in lieu thereof certain other language. That is the first Thomas amendment.

Mr. BARKLEY. Mr. President, what would that do? Is that the one which simply provides for compensatory time for any overtime, or is that one which increases the monetary total of the bill?

The ACTING PRESIDENT pro tempore. The Chair suggests that the clerk read the amendment.

The LEGISLATIVE CLERK. On page 6 it is proposed to strike out lines 21 to 25, inclusive, and in lieu thereof to insert the following:

SEC. 2. Except as provided in section 3, officers and employees to whom this act applies shall be paid overtime compensation for work in excess of 40 hours in any administrative workweek at a rate of one and one-half times their basic rates of compensation: *Provided*, That in computing the overtime compensation of per annum officers and employees, the base pay for 1 day shall be considered to be one two-hundred-and-sixtieth of the respective per annum salaries, and the base pay for 1 hour shall be considered to be one-eighth of base pay so computed for 1 day.

Mr. MCNARY. That is the one I had in mind when I stated that it was the intention of the Senator from California to abandon it. I think we should dispose of that amendment before we dispose of the other.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment which has just been stated, offered by the Senator from California on behalf of the Senator from Utah [Mr. THOMAS] to the committee amendment.

The amendment to the amendment was rejected.

The ACTING PRESIDENT pro tempore. The clerk will state the second amendment offered by the Senator from California on behalf of the Senator from Utah.

The LEGISLATIVE CLERK. On page 7 it is proposed to substitute a period for the colon in line 8, and strike out all after such colon down to and including line 12.

Mr. BURTON. Mr. President——

The ACTING PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Ohio?

Mr. MEAD. I am glad to yield.

Mr. BURTON. I ask the Senator from New York to yield to me because I discussed this particular matter at the close of the session yesterday with the Senator from California, and I believe I can clarify the situation. I believe that this amendment also should be rejected in order to carry out the intent of the proponent of the amendment. As the bill now stands, it includes the Senate committee's proviso. This provides that an employee who works more than 48 hours at least with the consent of the head of his department or agency, and in the discretion of the head of that department, or agency, may receive compensation in the form of time off instead of in additional dollars. That will meet some special situations where it will work out to the better advantage of both the Government and the employee to handle it in this way.

The Senator from California would like to have discussed in conference the question whether or not the proviso should be in the bill.

The proviso, however, is not in the bill as it passed the House. Therefore, if this motion to strike the proviso from this bill should prevail, the proviso

would not be in conference, as it would not appear in either the House or the Senate bill, and would not be a proper subject for consideration by the conference committee. I understood from the Senator from California, when he left last night, that he agreed that if the Senate rejected this amendment, thus leaving the proviso in the bill, the proviso would then be in conference, because it is in the Senate bill now, and not in the House bill. This would accomplish what he wishes. The proviso then could be considered in conference, where there can be further evidence presented to show the full effect of the proviso. Therefore, I believe this amendment should be voted down.

Mr. MEAD. I agree with my colleague from Ohio, that the amendment should be rejected.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the second amendment offered by the Senator from California [Mr. DOWNEY] on behalf of the Senator from Utah [Mr. THOMAS] to the committee amendment.

The amendment to the amendment was rejected.

The ACTING PRESIDENT pro tempore. The amendment of the Senator from New York is open to further amendment.

Mr. McNARY. Mr. President, are we about ready to vote on the final disposition of the bill?

The ACTING PRESIDENT pro tempore. If there be no further amendment, the question is on agreeing to the amendment in the nature of a substitute.

Mr. McNARY. I desire to suggest the absence of a quorum, before we reach that stage.

Mr. LANGER. Mr. President, I wish to offer an amendment.

Mr. McNARY. Very well.

Mr. LANGER. I have spoken to the Senator from New York about the amendment, and I should like to know whether he will accept it. It reads as follows:

On page 13, line 12, after the word "applicable", to insert "nor shall any overtime be payable under the act of March 28, 1934, as amended (48 Stat. 522, title 5, sec. 673)."

That simply refers to the wage-and-hour law in United States navy yards.

Mr. MEAD. That would take the place of section 15. I discussed it with my colleague from North Dakota, and, so far as I am concerned, I am agreeable to taking the amendment to conference.

Mr. LANGER At this point in my remarks, I ask unanimous consent to place in the RECORD a short statement which I have prepared, and in connection with it several newspaper comments and articles.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LANGER'S statement is as follows:

Mr. President, I feel that "it is the duty of every government to give protection to its citizens of whatever class, color, or condition."

These are the prophetic words of President Abraham Lincoln.

Is it not just and proper for the United States Senate to protect loyal American workers against union discrimination in the Goverment navy yards and the United States Treasury Bureau of Engraving?

Section 15 of the pending bill (S. 635), the so-called Langer antidiscrimination amendment, simply denies the benefits of this legislation and overtime pay to Government employees, who are members of unions, such as District No. 44, International Association of Machinists, which maintains a closed shop in the navy yards of the United States, while at the same time barring qualified, experienced, necessary, and available colored civil-service employees from membership to this same union. It would, likewise, stop a similar abuse and practice in the Bureau of Engraving, Department of the United States Treasury, as well as other Government agencies.

There is pending before the Senate a resolution for an international police force to guarantee the "four freedoms" to the people of the world. Should not the Members embrace within their charity and generosity the opportunity to assure through this action against discrimination equal justice and freedom from prejudice to these patriotic and native Americans? On the home front assure them their constitutional rights in building battleships, submarines, airplane carriers, and transports, and tc promotions in the Government service, for the all-out total effort to beat the Japs and Nazis, as well as supply our own fighting men on the far-flung battle lines in this global struggle for actual existence.

Mr. N. P. Alifas, president, District No. 44, International Association of Machinists, when questioned before the House Civil Service Committee as to the continued discrimination of the union in denying membership to Negroes, said he preferred not to answer the question. He had no hesitancy in making further demands for overtime and pay-increase benefits under this legislation. Of course, this question, as usual, was off the record.

Edgar G. Brown, director, National Negro Council, and president, United Government Employees, outlined before the Senate Civil Service Committee that more than 20,000 excellently trained and experienced colored skilled civil-service workers in the United States navy yards are being lost to the vital ship-building program of the Nation because of this continued discrimination of the machinists and metal-trades unions, which maintain closed-shop agreements in these Government shops.

"We are fighting for the right of men to live together as members of one family rather than as masters and slaves. We are fighting that the spirit of brotherhood which we prize in this country may be practiced here and by freemen everywhere." President Roosevelt recently transmitted this challenging declaration of the cause for which 10,000,000 young and old American soldiers, including 450,000 colored servicemen, are fighting, bleeding, and dying in an official message to the National Conference of Christians and Jews.

A telephone call from one of these 20,000 patriotic and loyal colored employees with 23 years' service in the United States Navy Yard of Washington, D. C., that he was questioned only yesterday and reminded of the utter senselessness of what he rightly thought was his right, to complain of the continued refusal to utilize his proven competency as an electrician and to deny to him promotion and recognition, not on the basis of race or membership in the union but highly developed skills and long experience.

This is the verbatim reply of the authorized Federal official to the plea of this injured civil-service employee.

I quote: "Mr. B, we must remind you that you are a colored man."

How would you feel, Senators, if you were forced for 23 years, and in the face of World War No. 2 for democracy, to be subjected to the same humiliating and discriminatory experience of this faithful colored Federal employee, who is also a taxpayer, War-bond purchaser, and the father of three sons fighting, bleeding, and dying to preserve our way of life—the American way? But a cruel and heartless and tragic spectacle it is for this unfortunate colored Government employee.

There are 20,000 like this sad and perplexed colored American citizen and Federal employee in the United States navy yards covered by this Senate bill 635. My amendment is designed to immediately correct this terrifying situation. It will do no harm to any other civil-service employee and bring about a square deal for these wrongfully treated and deserving Americans, regardless of race, creed, or color, as first set forth by Thomas Jefferson in the Constitution of the United States, which every Member of Congress has taken a solemn pledge to uphold.

Yesterday we appropriated $40,000,000 to secure farm workers to plant and harvest the 1943 crops so absolutely necessary. We are going to bring in thousands of foreign workers. Still, right at home we have those who would deny to those who are willing and begging to work and do their full share in the war effort membership in a union with a closed-shop agreement with the United States navy yards, the United States Treasury (the printers' union at the Bureau of Engraving), and thereby prohibit from employment these civil-service workers because they are Negroes. This is tragically unjust.

These colored workers in the United States navy yards work today and have labored side by side of their fello· American workers for many years as apprentices and have acquired valuable skills, which are most vital to the war effort, but the union bars them from membership and insists on its closed shop as usual. The President and the Fair Employment Practices Committee set up by him have failed to correct this gross injustice. Secretary of the Navy Frank Knox refused to discuss this matter with the representatives of the National Negro Council. In a mass meeting in Colonel Knox's home city of Chicago only 2 weeks ago 2,000 citizens in protest called upon the President in unanimous resolution to demand the resignation of this Cabinet member as refusing to consider immediate steps to stop discrimination against colored workers in the United States navy yards and thereby expedite the war shipbuilding program, as well as to protect the constitutional rights of the 13,000,000 colored citizens, one-tenth of the total manpower of the Nation, so essential today.

It is the duty of the Congress to act now and quickly.

Let me remind the Senate of a recent happening.

The American public learned in 1941, through the then uncensored press, that an unnamed Negro mess attendant became the first hero of the treacherous Jap attack at Pearl Harbor by manning a machine gun—he had never been taught by the Navy to shoot—and bringing down four enemy planes above the battleship *Arizona* after members of the gun crew had been put out of action. He was so accredited officially by the Navy only last week. Belatedly the Secretary of the Navy Frank Knox revealed his name as Dorie Miller. Later he wrote a letter to the chairman of the Senate Naval Affairs Committee recommending against the award of the Congressional Medal, as proposed in a Senate and House joint resolution by the distinguished junior Senator from New York and Congressman DINGELL. The very next day after this unfavorable action of the Secretary the President awarded this same colored hero the Naval Cross. Let me quote further from the Navy's own comment. In addition, "Miller swam to shore and helped in a flying-field operation, after having removed the dying captain to a more sheltered place beneath one of the big antiaircraft guns." The Afro-American newspaper makes this

further comment: "This is the first official account that actually credits Miller with bringing down any planes. All previous accounts have referred only to his carrying his wounded captain to a place of safety and his manning the gun. For this heroism Miller received only promotion from second-class mess attendant to first-class and an increase in pay from $60 to $66 a month."

There appears to be ample reasons for the belief, that the presently suppressed and inhibited skills of these colored workers will never be made the true assets, they should properly be at this time, unless Congress insists by such antidiscriminatory action as here recommended by the full Senate Civil Service Committee in section 15 of Senate bill 635.

The Nation's peril can only be further endangered by our failure to legislate this evil thing out of the Government itself. The golden opportunity to make justice work here and now for all those, who take an oath to uphold the laws and the Constitution in our democracy rests squarely with the members of the United States Senate. It seems inconceivable that there could be one Senator who could stand before the American people and the peoples of the world and cast a vote, which would deny equal rights to the fathers, sons, and brothers of th 450,000 colored soldiers fighting, bleeding, and dying along with the millions of other brave Americans, whose battle cry around the globe is "freedom."

Let the Senate ponder well the full implications of this vicious practice of discrimination against Americans, because of race.

I first call your attention to the comment of one of the best-known columnists of the Negro press, George Schuyler, in the Pittsburgh Courier. It is as follows:

[From the Pittsburgh Courier]

"THE WORLD TODAY

"By George S. Schuyler

"SAYS HE HAS NO COUNTRY

"Robert Moses, Newark Negro draft dodger who with five other colored men drew 3 years in Federal prison last week told the judge, 'I have no country.' What Moses said, many Negroes could be thinking, and it is up to American white people to make them think otherwise. Jailing them will not change their minds, but democracy, fair play, citizenship rights, and equality of opportunity will.

"One wonders do people who give lip service to the concept of national unity realize how widespread is the feeling among one-tenth of the population of not 'belonging,' and how justified it is. You cannot bar a man from voting, bar him from public places, coop him in a ghetto, subject him to economic discrimination, and otherwise make him feel like an alien, and expect him to feel like a full-fledged citizen.

"This war is primarily a struggle of ideas and ideals. The side which first loses the support of its people for its ideas and ideals will be defeated. Nor will machine guns and jails take the place of honesty and sincerity. Ignoramuses and martyrs will blurt out that they have no country. We lock them up but cannot help but wonder how many others are silently thinking the same thing.

"You cannot imagine an American white man saying what black Robert Moses said to the judge, because no American white man feels like that. He has been taught that he is 'free, white, and 21,' and that anything he wants is within his reach if he is willing to study, plan, work, and make sacrifices for it. On the day that this becomes true for black men, there will be not one to say, like Robert Moses, 'I have no country.'

"Mahatma Gandhi has much the same grievance as Robert Moses; Gandhi, jailed by fighters for democracy because he wants democracy for India, has started another long fast in protest against the unwillingness of the British administration to turn the government of India over to Indians. He calls his ordeal 'an appeal to the highest tribunal for justice.' Perhaps he means the Indian people. He couldn't mean the British."

[From the Chicago Defender of March 27, 1943]

"SHIPYARDS DISCRIMINATE IN SAVANNAH, GA.

"Negroes constitute 46 percent of Savannah's population. White children have three modern high schools and one junior college. Recently a Federal grant for education was secured from which immediately another school for white children was built.

"Negro children have but one high school—ancient and inadequately equipped and unaccredited. One Negro public school used to be pointed out by Negroes as a famous landmark because it is one of the innumerable houses of which it is said 'George Washington slept here.' Washington visited Savannah in 1791—152 years ago—so little imagination is needed to judge the suitability of such a building as a schoolhouse in 1943. There is a deep differential between salaries paid white and Negro teachers but no colored teacher has yet stepped forward as a plaintiff despite the unbroken series of successful suits all over the South against differentials which have added nearly $3,000,000 to the pay checks of Negro teachers.

"NEW DAY COMING

"All these and other familiar patterns of James Crow afflict Savannah. Older residents used to boast that 'race relations are better here than in any other town in Georgia.' Neither they nor the younger newcomers are so naive today. They know that in part the absence of sense of conflict in the local scene is due to the fact that Negroes haven't asked for much so the white folks feel kindly toward them.

"But a new day and a new spirit have come. It isn't immediately perceptible. Deep-throated, unrestrained Negro laughter still fills the colored part of West Broad Street like that I heard a few minutes ago from a superbly built ebon woman dressed in a billiard-table green sateen-visored cap, sky-blue sateen slacks, and grey-green sweater.

"But mirth is less mirthful as Savannah Negroes see the accentuated difference in pay and opportunity at war plants and shipyards and training schools for whites and those provided—when they are provided—for Negroes. Passive, hopeless acceptance of these conditions is passing. Negroes are determinedly, intelligently organizing to do something instead of merely bemoaning their plight.

"I have just talked with as alert, intelligent and courageous a group of shipyard workers as could be found anywhere in the United States. They gave me a terse, accurate picture of how they and other Negroes are being cheated and discriminated against by employers and American Federation of Labor unions.

"One of them is an acetylene cutter with 10 years experience who receives 80 cents an hour as a 'helper' to green country whites he himself taught and who get $1.75 an hour.

"Another who worked 6 years as a rigger and stationary engine fireman was allowed to fill out an application blank only as a common laborer as were all the Negroes at the Southeastern Shipyards which is operated by the Maritime Commission.

"A third who is an expert anglesmith works at his skill but is paid as a helper.

"LABOR FIGURES IN FIGHT

"All whites at the yards are hired as skilled, though many of them are dumb farm hands right out of the Georgia and Florida backwoods. They receive 62 cents an hour while being trained and are paid skilled wages as soon as the free course is completed.

"The American Federation of Labor has closed-shop contracts with the two Savannah shipyards which the Congress of Industrial Organizations charges are collusive. Negroes are segregated in the hodcarriers' and boilermakers' unions, which the Negroes assert does nothing for them except collect dues and issue work cards. A fat racket is firing Negroes when they have finished paying the initiation fee of $15—plus monthly dues of $1 50—and then inducting a new lot to pay the joining fee. Another racket is to certify white workers fresh from the canebrakes to draft boards as skilled and irreplaceable, while skilled Negroes are drafted.

"But tough and disheartening as the situation is, Negroes are not taking it lying down. The Congress of Industrial Organizations is working to secure National Labor Relations Board elections in the shipyards to determine whether it or the American Federation of Labor shall represent the workers. Negroes have flocked to the Congress of Industrial Organizations, justly cynical about the resolutions passed by the American Federation of Labor Southern Conference recently held at Atlanta to offset Congress of Industrial Organizations gains in the South, which proclaimed the end of racial discrimination in the American Federation of Labor. Negroes see no change in American Federation of Labor practice."

Mr. LANGER. In the all-out total war effort, no single contribution will do more to expedite the victory of the United Nations than the construction of more ships. The supply lines to the 7,000,000-man Army on the far-flung battlefields of the world must be kept intact. Nothing impedes more definitely this important objective than the insistence of the United States navy yards of a closed shop maintained by the metal-trades union of the American Federation of Labor, barring Negro workers from employment.

It is unbelievable that at this very hour approximately 40,000 eligible experienced Negro civil-service employees of the United States navy yards are now barred from the use of essential skills because of closed-shop agreements. Negroes are denied membership in the metal-trades unions of the American Federation of Labor at these navy yards. In Senate bill 635 to provide overtime pay increases for all Federal Government employees including several hundred thousand in the navy yards, it is provided that the benefits of this legislation shall be denied any member of such union which discriminates in its membership on account of race, creed, or color. This prohibition against racial discrimination is a fundamental provision of the United States Constitution. It is likewise prohibited in the civil-service statutes. Still in these closed-shop agreements, the American Federation of Labor machinists, electricians, and metal-trades unions at the United States navy yards continue to practice prejudice as usual.

More than 450,000 Negro servicemen are now fighting and dying for democracy all over the world. It recalls to mind the oft-practiced missionary proposition of carrying brotherhood, christianity, justice and humanity to all sections of the world, while the people in your own community at home are overlooked and forgotten. There is nothing more paramount at the moment than for organized labor to forego its prejudices. The long pent-up capabilities and patriotism of Negro workers in the Government and in industrial war plants denied membership and employment by the unions should be utilized now in the struggle for survival and the preservation of democratic institutions.

Negro leaders of the 13,000,000 colored citizens of the United States are demanding support of this non-discrimination proposal and propose to back it up with every ounce

of their moral and political force in all States of the Union. This measure will advance the welfare of the American worker, regardless of race, creed, or color to make certain of equal benefits, employment, and democracy on the home front.

We favor international amity, but we are firm in our belief that there can be no world peace under the auspices of the United Nations before there is adherence to the ways of constitutional democracy and equal rights for all the people in the United States. The task of patriotic Americans everywhere who are giving their sons, too, who in turn fight and die to defeat those who would enslave us, is to assure the country of the militant and devoted support of the Negro in the cause of security for all regardless of race, creed, or color at home, as well as abroad.

The representatives of the African Methodist Episcopal Church have voiced their protest, as evidenced by an article which I present for the RECORD.

The article is as follows:

"AFRICAN METHODIST EPISCOPAL PRELATES GIVE VOICE TO RACE AIMS—LEADERS GIVE RÉSUMÉ OF HISTORIC ROLE RELIGION AND THE CHURCH HAS PLAYED IN RACIAL LIFE

"NASHVILLE, TENN., March 4.—The African Methodist Episcopal Church was born in the midst of a war waged for liberty and free self-government. Our church had its beginning at a time when the spirit of the Declaration of Independence filled the air. Its founders upheld the doctrine of Christ and His apostles, that at the altar of our common faith all men are equal. To uphold this truth, Richard Allen and his group established the African Methodist Episcopal Church. The principles Washington and the colonists fought to establish in political government, Richard Allen and his followers with equal zeal strove to establish in the church.

"It is a strange revelation of the ways of Providence that every turning point in the advancement and freedom of the Negro on American soil has been forged in the fires of war and established by the decision of the battlefield.

"Now that our country, our church, and our race are caught in the meshes of the greatest global war that ever encircled the world, we, the chosen leaders of our church, send you a brief message which we believe represents the spirit of Christ and the verdict of history.

"Wherever human society exists, there must be some form of government, a government conceived and administered by human agencies. But such ideas as liberty, freedom, justice, neighborliness, righteousness, must be drawn from a source that represents the Absolute One. We in America find these qualities residing in God. The fundamental principles of American democracy are based upon the teachings of Jesus. That is why human slavery was destroyed. It has been the inspiration of laws for justice to labor, equal political rights for women, old-age pensions, and our entire program of social legislation. We cannot join in making a fetish out of democracy, or conform to the pattern of the 'American way of life' when it conflicts with the express teachings of our Lord and Master, Jesus Christ. Our first and highest loyalty belongs to Him.

"We advise that it is our duty to resist all forms of oppression and destroy the power of oppressors. It is our duty to defend our country against the ruthless might of those who would force upon us ideologies repugnant to our Christian tradition and our ideals of democratic freedom. But our high duties by no means end here. Our bewildered people are asking, What shall we do when our Government asks us to fulfill these duties at the expense of our honor as freemen and the debasement of the dignity and honor that belong to all American citizens? Shall we offer our lives and our money on the altar of national defense in the face of exclusion and denial of participation on terms of equality in every phase of the war effort? Our answer is, "Yes" and "No." Social economic, and political attitudes in our country are such, as relate to the Negro, that we must uphold as our watchword 'Our church, our country, and our race.' It is neither unpatriotic nor disloyal to vigorously protest by using every legal weapon at our command to fight exclusion from any branch of the armed service or the war effort on the ground of race or color, while giving the full measure of our strength for the success of our war effort against our foes.

"We are cautioned that protest against our exclusion and denial makes for disunity and division in the face of our common enemy; that we should suffer in silence until our arms are victorious. If at a time when all of us are engaged in self-denial and sacrifice, even unto death, our country will not grant us opportunity to freely participate on every front—domestic, civil, social, and military—then we prove ourselves unworthy of that liberty, freedom, and opportunity whichwe proclaim we are fighting to preserve for ourselves and to bestow upon the conquered and oppressed freedom-loving people of the earth.

"In the face of this we remind you that the people called Negroes have here in America during the past 300 years, coming from the mire of the degrading depths of slavery achieved more substantial development and progress than any other group of this people upon the face of the earth.

"We urge our people to falter not, neither give way to discouragement nor fear. The history of the past is our guaranty that the borders of equality, freedom, and justice shall be immensely widened at home while we sacrifice and die to bestow them upon people across the seven seas in every part of the globe.

"Ignorant, helpless, and defenseless, but with unwavering faith in God, we have come thus far on our journey. He has removed mountains from our pathway of progress and divided the seas to make for us a way of escape. There is not a single page of American history to show that, as a group, we have left any footprints turning backward. In this, one of the most fateful and decisive hours in history, let us arise and come up to the help of the Lord against the mighty.

"The Reverend Henry McNeal Turner, a minister in the African Methodist Episcopal Church, was commissioned a chaplain by President Lincoln when Negro soldiers were inducted into the Army during the Civil War. Reverend Turner (later bishop) thus became the first Negro chaplain to be commissioned. Today scores of educated and trained young ministers from our church and sister denominations are carrying the services of the church to our men in the armed forces. Through the chaplains, the church is marching alongside the armies to the farthest places of the world.

"Thousands of our men are away from home serving the armed forces. They shall have bitter experiences there which may harden the hearts of some against the Spirit of God. We should keep in close touch with the men, pray for them, write to them, let them know our hearts follow them.

"Hundreds of our girls have joined the WAAC's. The daughter of one of our general officers has been promoted to the rank of captain. The country is watching to see how the WAAC's will carry on. They present to the church a challenging opportunity.

"In the last 2 years thousands of our people have pulled away from the church when breaking home ties and going off among strangers. We Christians who stay at home must seek the strangers moving into our community, befriend them, and help them to find places in our congregations.

"Our foreign mission fields have been disturbed by the war as never before. Our bishops have not been able to be on the spot and give personal supervision. Our missionaries have been hampered for lack of funds. We must prepare now to give generously in 1943 to the appeal of our department of missions for the support of our mission fields in Africa and the islands of the sea.

"At the close of the present war, many of our soldiers shall return from strange lands where they have been among strange people of strange language and customs, worshipping strange gods under strange stars. They shall have lost touch with their old and familiar surroundings. They shall have to be integrated anew into the paths of peace as they relate to our social, industrial, political, and economic life.

"We shall do all in our power to give the spiritual influence of the church full cooperation with the Government and other agencies and organizations."

"AFRICAN METHODIST EPISCOPALS SUPPLIED MORE THAN HALF QUOTA OF CHAPLAINS TO ARMY

"NASHVILLE, TENN., March 4.—According to Bishop R. R. Wright, the African Methodist Episcopal Church has supplied 51 chaplains to the Army. The quota is 96, the bishop said.

"He also stated that two of the highest-ranking chaplains in the Army are graduates of Payne Theological Seminary of Wilberforce University."

Mr. LANGER. The Catholic Council considered, in a panel discussion, the barriers against Negro workers, as shown by an article which I also present for the RECORD.

The article is as follows:

[From the Pittsburgh Courier of March 6, 1943]

"CATHOLIC COUNCIL DISCUSSES NEGRO AND LABOR—INTERRACIAL LEADERS MEET IN NEW YORK—CHURCH GOVERNMENT, LABOR, AND RACIAL LEADERS IN PANEL DISCUSSION ON THE NEGRO AND LABOR

"NEW YORK, March 4.—Catholic labor leaders and employers were urged to 'make every effort' to remove existing barriers to the admission of Negro workers to labor unions in a resolution adopted by the Catholic Interracial Council of New York at a meeting last Sunday marking the eighth anniversary of the organization. Adoption of the resolution followed a panel discussion on The Negro and Labor, presided over by the Reverend John P. Delaney, S. J., director of the Institute of Social Order, and featured addresses by Joseph P. Keenan, Associate Director of Labor Relations, War Production Board, and Frank R. Crosswaith, chairman of the Negro labor committee.

"Geared to the theme that education, rather than legislation, was needed to combat discrimination against Negro workers, the meeting of 200 Negro and white Catholics heard also Harold A. Stevens, president of the Council; George Streater, of the Labor Relations Department of the War Production Board; and the Reverend Charles Keenan, S. J., chaplain of the council.

"Father Delaney opened the discussion by defining the traditional teaching of the church concerning the equality of all races and the right of all men to share equal opportunity. He praised the increasing number of Catholic leaders who are espousing the Negro's cause and declared that although progress was slow, there was every reason for satisfaction over that which has been accomplished.

"Declaring that the American Federation of Labor is committed to the organization of all workers, Mr. Keenan added that the

'American Federation of Labor pledges itself to work for the use of much-needed manpower without regard to race, class, or national origin.' He warned, however, that the problems of racial and religious prejudice are deep-seated and a great deal had yet to be done before the 13,000,000 Negroes and other minority groups would be brought into full participation in the war effort.

"Mr. Streater complained that Negro intellectuals are not taking sufficient responsibility in organizing the Negro, and that discussion of the labor movement is being promoted by persons not sufficiently familiar with it.

"Joseph T. Ryan, president of the Irish-American Committee for Interracial Justice, presented the resolution calling upon 'every labor organization and each and every local as well as Catholic employers to render complete justice to Negro workers, both in the interest of the war effort and to insure the efficacy, inclusiveness, and unity of labor.'

"In the course of the year the council succeeded in having introduced at the Fordham School of Catholic Action a summer course on race relations, and again a course of 15 lectures at the Fordham University school of social service in the past semester; cooperated with the Reverend Raymond J. Campion here in the latter's efforts to get Negro baseball players into the major leagues; worked with the National Conference of Christians and Jews; assisted in the organization of the Irish-American Committee for Interracial Justice, and aided the establishment of an interracial council in Detroit."

Mr. LANGER. I present for the RECORD an article which shows the position of a noted industrialist, Hon. Joseph N. Pew, on this question.

The article is as follows:

[From the Pittsburgh Courier of February 20, 1943]

"'AMERICAN NEGROES MUST TAKE LEAD AT PEACE TABLE,' PEW—TALKS TO LEADERS AT SCOTT BANQUET—NOTED SHIPBUILDER REVEALS MORE THAN 10,000 ON SUN PAY ROLL—OTHER NOTABLES ON PROGRAM

"PHILADELPHIA, February 18, 1943.—American Negroes must prepare to accept the challenge for leadership of the 150,000,000 other black men in the post-war world, Joseph N. Pew, chairman of the board of directors of the Sun Shipbuilding & Drydock Co., declared at the seventieth birthday banquet to Dr. Emmett J. Scott at the Broadwood hotel here Saturday night.

"For the first time, Mr. Pew put himself on record in regard to the employment of more than 10,000 Negroes by his company and particularly in respect to the No. 4 yard destined to be manned exclusively by Negroes. Dr. Scott is the personnel manager for this yard.

"The great shipbuilder explained that he had a legitimate personal interest in the welfare of the Negro because he came from an abolitionist family in western Pennsylvania which had played a significant role in the operation of the 'underground railroad' which aided Negroes to escape from slavery.

"PAYS TRIBUTE TO MR. VANN

"No. 4 yard at the Sun Shipbuilding Co. had been set up, he said, to give Negroes the fullest opportunity to develop their talent and skill as shipbuilders.

"'They have made an astonishing success so far,' he asserted.

"In the course of his speech, Mr. Pew paid high personal tributes to Dr. Scott and to the late Robert Vann.

"More than 200 persons from separated sections of the East, South, and Middle West attended the banquet. Dr. Scott was overwhelmed with praise for the significant achievements of his long career."

Mr. LANGER. According to an article in the Pittsburgh Courier, the Committee on Racial Discrimination of the Congress of Industrial Organizations has also taken a position on this question. I present the article for the RECORD.

The article is as follows:

[From The Pittsburgh Courier of January 16, 1943]

"CONGRESS OF INDUSTRIAL ORGANIZATIONS ANTI-DISCRIMINATION GROUP ISSUES REPORT—CONTENDS JOB BANS DEFINITE HELP TO AXIS

"WASHINGTON, January 14.—'The existence of discrimination against Negroes and other minorities is not only a continuing blot on American democracy, but even more seriously a drag on the total mobilization of all our people needed to win the war against Axis slavery,' according to the Congress of Industrial Organizations Committee on Racial Discrimination, the membership of which includes Willard S. Townsend, secretary, who is president of the United Transport Service Employees of America.

"'Every war industry and plant in the country is crying for more manpower, desperately needed to keep the weapons of war rolling out to the offensive fighting fronts of our armed forces and our Allies,' the committee report reads.

"EAGER TO DO PART

"'Negro Americans are as anxious as any to work for victory, just as they are fighting for victory in the Army and the Navy. To allow employers or any other agencies to bar them from jobs is worse than unjust—it is an active help to Hitler.

"'The Congress of Industrial Organizations, in setting up the Committee on Racial Discrimination at its November convention, moved to implement in industry and government the policy it has already held to in its own ranks—of absolute opposition to discrimination in any form, and of complete equality of opportunity for all.

"NATIONAL POLICY

"'This policy has been made national in the Executive Order of the President No. 8802, and in the setting up of the Fair Employment Practices Committee. The Congress of Industrial Organizations concurs fully in these steps, as it concurs in every move to promote national unity for winning the war.

"'At the same time, we must point out that the job of wiping out racial discrimination is far from complete, and at the present rate of progress will scarcely be completed in time to make full answer to the needs of all-out war, or to the needs of a people's peace.

"'Too often mere lip-service is given to the principle of equal opportunity. Too often an employer or a whole industry, ordered to stop discriminating against Negro workers, has evaded the order by offering token employment to a handful in place of opening jobs to all who are qualified. Or again, Negro workers are confined to the lowest paid, least skilled or even the menial jobs, regardless of their experience or training.

"BIG EXCEPTION

"'Of course, there are notable exceptions to these disruptive practices. The exceptions, however, could easily become the rule if the national policy were made completely effective. This cannot be done as long as the Fair Employment Practices Committee lacks sufficient funds and sufficient personnel to do the needed job.

"'At the present time, the Fair Employment Practices Committee lacks funds and personnel to do the necessary following-up on each of its orders. Trained, paid investigators are needed to patrol every section of industry where discrimination is suspected or found. More co-operation from other government agencies responsible for war production is needed.

"DETERMINED PURPOSE

"'The Congress of Industrial Organizations Committee on Racial Discrimination is determined to press for these and all other measures to end this gross injustice and criminal waste of needed manpower. We intend to press for more funds and more authority for the Fair Employment Practices Committee.

"'Victory requires the full effort of every person in this country and in the United Nations. Many millions of people among our allies are looking to our country to end inequalities that hold back a speedy United Nations victory.'"

Mr. LANGER. I present another article, according to which a former Negro aide to the Secretary of War says Negroes are practically barred from the United States Army Air Corps.

The article is as follows:

"ONLY ONE BRANCH IS OPEN TO US

"(Editor's Note.—In the following statement, William H. Hastie, who recently resigned as civilian aide to the Secretary of War in protest against the shortcomings of the military aviation program as it affects Negroes, discusses some additional aspects of racial discrimination and segregation in the Army Air Forces.)

"(By William H. Hastie)

"WASHINGTON, February 18.—It was not until March 1941 that the Army Air Corps began accepting applications from Negroes for aviation cadet training. The actual instruction of Negroes to be flying officers did not begin until several months later. But even then, and to this day, there was and is only one type of combat aviation, namely, pursuit flying—for which the Air Command will train a Negro.

"MOST DIFFICULT AIR COURSE

"How did it happen that the training of Negro aviators was started in the field of pursuit flying? It is common knowledge that grave doubts were expressed from the beginning as to whether the Negro was capable of making good as a combat aviator. The Air Command described, and still describes, the training of the Negro in aviation as an 'experiment.' Yet, in face of this expressed skepticism, the Air Command saw fit to begin with the training of Negroes for pursuit flying, the most difficult type of combat aviation.

"The single pilot in his pursuit ship has the most exacting of air tasks, handling his fast plane, maneuvering it at terrific speed in actual combat, mastering the technique of accurate and properly directed fire in aerial dog fights, and exercising split-second judgment in unexpected situations and emergencies. Why was the Negro, whose ability was in doubt, not started off with observation flying or in bombardment where copilots and other crew members assist each other and share and divide responsibility?

"Only the men who made the decision know the answer. They may have reasoned that through pursuit flying Negroes would demonstrate their ability to perform any air-combat task. Fortunately, it seems to be working out that way. They may also have reasoned that Negroes were less likely to succeed in pursuit flying than in somewhat less exacting work. Yet, in all fairness, it should be said that the best of facilities and thoroughly competent instructors were provided for the segregated training program for Negro pilots. And the men in the field who started this training did so with enthusiasm and determination to make it a success.

"OTHER COURSES OPEN TO WHITES

"Statistics already released by the Air Command show that during the first year of Negro pursuit-pilot training 42 percent of the Negro trainees successfully completed their courses and earned their wings as pilots. During the same period 59 percent of white aviation cadets who entered training qualified as flying officers. Of course, the number of Negroes was small, and the statistics are therefore not conclusive. More important is the fact that Negro candidates have no opportunity at any stage of training to be assigned to some other branch of combat flying if they seem not to be well adapted to pursuit work.

"The Negro cadet must become a pursuit pilot or nothing. White cadets are sorted out and placed according to their apparent aptitudes. Under these circumstances, the fact that 42 percent of the Negroes who had the physical and educational qualifications for aviation made the grade in the most difficult assignment is a significant accomplishment.

"Beyond the fact that the Negro must have the ability for pursuit flying, or else not fly at all, he must meet the special physical specifications of the pursuit pilot. If he is too tall or too heavy for pursuit flying, he cannot be an Army flyer, however competent he may be for some flying job other than pursuit work.

"In wasted manpower it is difficult to say how much is being lost by imposing such restrictions upon the Negro. It seems probable that some 200 Negro pursuit pilots will earn their wings in 1943. But the Air Command has never undertaken a campaign of publicity or promotion designed to get young Negro men with superior training into flying training.

"NO NEGROES FOR COLLEGE RESERVE

"When the air forces set up their college-reserve program, no Negroes were wanted. The small 'Negro quota' was already filled for a year in advance. So, while the ground forces were welcoming Negro college men into their college reserve, the air forces refused to accept them. Even earlier, the Air Corps had undertaken the recruiting of groups of men from the individual college campus who would go into training as a unit with the group spirit and enthusiasm developed through their association at college. The Negro was excluded from this also. Thus, only the Negro who went forward on his own initiative, determined despite hell and high water to be a combat flyer, ever became an aviation cadet. Even then, he was accepted only within limited quota restrictions and for one type of training.

"Within the past 2 months, restrictions upon the acceptance of volunteers in the Army have been extended to aviation cadets. Apparently, aviation cadets will be chosen almost exclusively from men already in the Army. A new problem faces the Negro. He must apply for aviation cadet training through his commander and his papers must survive a journey through military channels. It remains to be seen whether his application will be encouraged and facilitated to the same extent as the application of the white soldier.

"In this connection, one recent experience is disturbing. For more than a year, the Air Command has been selecting young soldiers, high school graduates, to be taken from the ranks and trained to become enlisted pilots. They become master, staff, and technical sergeants with flying rating. So far as I have been able to discover, Negro enlisted men have not been accepted in this program. How different will the situation be now that both prospective flying officers and prospective enlisted pilots will be enlisted from the ranks of the Army?

"Two hundred Negro pursuit pilots a year is something more than token representation. Certainly, 200 pilots can make a big difference in almost any of the present theaters of war. Yet the failure of the Air Command to encourage or even permit the full participation of the Negro in flying training and service prevents the number of Negro pilots from being several times 200 per year. If the Air Command should decide to use Negro flying officers and enlisted men without racial restrictions, 1,000 pilots would be a conservative estimate of annual production.

"Of course, there would be serious practical difficulties in developing segregated training fields and segregated organizations of many various types in such an expansion. From a military point of view, all of this new segregated set-up probably would not be worth the time, expense, and diversion of personnel."

"WHY CAN'T THEY SERVE AS PILOTS?

"Last week William H. Hastie, resigned Civilian Aide to the Secretary of War, charged the Army Air Force with refusal to use the services of capable and experienced colored aviators. Here is the list:

"James L. H. Peck, veteran civilian and military flier, writer and authority on aviation, fighter pilot in the Spanish Civil War, volunteer for the United States Air Corps. Still on the waiting list.

"Fred H. Hutcherson, American pilot, who was in command of a white crew ferrying United States bombers from Canada to England. Applied for a commission in the Army Air Corps last spring but landed as a victim of red tape and run-around. Returned to Canada as an instructor and ferry command pilot with the rank of captain.

"Gilbert Cargill and Robert Ashe, civilian pilots, received telegrams from the Army Air Forces to report to Maxwell Field for service pilot training. On reporting were told bluntly no provisions were made for training Negroes.

"Robert Terry, commercial pilot, rejected by the air command as an Army service pilot."

Mr. LANGER. There were 450,000 Negroes in the United States Army in 1943, 60,000 overseas. That is shown by another article which I present.

The article is as follows:

[From the Chicago Defender]

"SIXTY THOUSAND RACE TROOPS NOW IN OVERSEAS WAR ZONES

"WASHINGTON—'Dispersal of Negro personnel of the Army is in accordance with War Department policy. That policy calls for utilization of Negro troops wherever they can further the war effort.

" 'Negro soldiers are being trained as fighting men, and it is the considered judgment of the War Department that they will acquit themselves on the battlefields of this war with the same courage, distinction, and valor that their forefathers displayed in all the wars in which this country has engaged.'

"This was the War Department's answer this week to Congressman HAMILTON FISH in reply to his request for a statement of policy on the use of Negro troops in combat zones. The policy was made public in the form of a general news release the day following the answer sent Congressman FISH.

"FISH, however, did not fail to note, as he told the Defender, that this expressed policy did not seem to be borne out in practice.

"SIXTY THOUSAND OUTSIDE UNITED STATES

"According to an announcement of Secretary Stimson last week, over 1,500,000 American troops have been successfully convoyed by the Navy to foreign shores. The answer to Representative FISH's letter and the news release point out there are only 60,000 Negro troops serving outside the continental United States. The total number of Negro troops is announced as 'in excess of 450,000.'

"According to the War Department's statement, 25,000 Negro soldiers are on duty in the far Pacific, and approximately 10,000 are stationed in north Africa.

" 'In addition to completely organized and well-trained Army Air Force pursuit squadron composed of Negro personnel will be committed to combat soon.'

"The balance of the release, containing similar information given to Representative FISH states:

" 'Negro officers now on duty with troops number nearly 2,000. This number is being augmented from time to time as additional Negroes graduate from the various officer candidate schools.

" 'Distribution of these Negro troops covers the Army Ground Forces, Services of Supply, the Army Air Forces, and defense commands. They are in all arms and services, including Infantry, the Quartermaster Corps, the Corps of Engineers, Field Artillery, Coast Artillery, the Ordnance Department, the Signal Corps, the Cavalry. The 25,000 Negro soldiers stationed in the far Pacific comprise combat as well as service units, including Infantry and Artillery organizations.'

"No mention of such combat units in north Africa is made.

" 'More than 70,000 Negroes are in the Infantry. There are two Negro infantry divisions. Activation of a Negro cavalry division having among its elements the famous Ninth and Tenth Cavalry Regiments, was recently announced. There are also more than 40,000 Negroes in Field and Coast Artillery units. In addition, many air base security battalions—mobile, hard-hitting combat units—have been and are being activated in the Army Air Forces with Negro personnel.'

"Representative FISH has written a further letter to the War Department in which he has asked for an additional break-down showing the number of Negroes stationed in north Africa and the far Pacific in each of the various branches of service as the Infantry, Artillery armored units, and the Air Corps.

"The release of this information to the public followed closely upon the question asked concerning it and Representative FISH'S letter in Secretary Stimson's press conference by the Defender's correspondent. At that time, Stimson irritatedly replied that he had not heard of the letter—though it was written on February 13, and the question was asked on February 25. The answer was mailed to Representative FISH on February 26, and the information was made public on February 27."

Mr. LANGER. I further bring to the Senate's attention that in 1770 Crispus Attucks, a Negro, was the first American patriot and hero.

I present an article on that subject.

The article is as follows:

[From the People's Voice of March 6, 1943]

"SOAPBOX

"(By Adam Clayton Powell, Jr.)

"Crispus Attucks was a tough guy. Make no mistake about it. The first martyr of the American Revolution was no sissy. He stood about 6 foot 3 and weighed 215 pounds. From the time he purchased his freedom until the Redcoats killed him, he lived a joyous, bubbling-over life. He was thoroughly American in every sense of the word as it was then used. He loved nothing better than a good tavern brawl with no holds barred and the knuckles bared. Before he rang history's bell and retired from the scene his favorite occupation was heaving paving blocks at British soldiers.

"On the afternoon of March 5, 1770, the citizens of Boston sensed that they were treading on a volcano. There had been many disorders and street riots all during that week. Crispus Attucks and some of his friends had made up their minds that they were not going

to stomach any longer the arrogance of the British imperialistic troops. A strange company was gathered together that afternoon: Irish, Scots, English—all led by the former slave, Crispus Attucks. As they emerged and walked down King Street they met a detachment of the hated Redcoats. Crispus Attucks yelled, 'This is the nest! Strike at the root!' and the paving blocks began to fly.

"A British soldier named Montgomery leveled his flint musket and fired the shot that started the War of Independence that resulted on July 4, 1776, with 'One nation, indivisible, with liberty and justice for all.' Crispus Attucks fell mortally wounded, first martyr of the American Revolution.

"It is altogether fitting and proper that this martyr too long ignored, and the incident of the Boston Massacre, now be taught to democracy's children.

"In response to a resolution of mine the council of the city of New York unanimously set aside Friday, March 5, as Crispus Attucks Day. On that night a community celebration will take place. It is altogether fitting that groups—white and colored—everywhere so observe that evening. It marks the first time that the city of New York has named a day after a Negro. The Association for the Study of Negro Life and History should be congratulated for initiating this project. It comes at a very fitting time. Democracy's children are passing through a crisis from which will emerge real democracy or true American fascism. One of the signs of the times was the acceptance by the New York City chapter of the Daughters of the American Revolution of the invitation to attend the special Crispus Attucks services.

"Democracy is marching on. Setbacks are only temporary. Defeats cannot last. Crispus Attucks set in motion a wheel in a wheel that can be slowed up, now and then, but can never be stopped until 'here is ful' democracy for all people."

Mr. LANGER. J. A. Rogers says that the United States is the only Nation which discriminates against its own native citizens. I present his article for the RECORD.

The article is as follows:

"UNITED STATES ONLY COUNTRY WITH LAWS AGAINST ITS OWN CITIZENS BECAUSE OF COLOR

"(By J. A. Rogers)

"I have been hearing and reading much comment on Negroes and the War, an illustrated booklet got out by the Office of War Information, and edited by Chandler Owen, Chicago newspaperman. Some of this comment, mostly from Negroes, is unfavorable, while others do not know what to think of it. However, in all fairness, I do think it is an effort in the right direction, especially if circulated among white people. This typical cross-section of Negroes from all walks of life—leaders, scientists, artists, writers, mechanics, dancers, businessmen, laborers, farmers, college professors—cannot help but correct, in my opinion, much of the woeful ignorance about Negroes in things constructive. The pictures, especially, are lifelike and were sympathetically handled.

"Of course, most of the matter is on the bright and optimistic side although the reverse is not altogether omitted. With this, also, I do not find too much fault. Looking on the bright side never hurts. Also some little known Negroes who have done as much or more than most of those named in the booklet—I could name a score of the latter off-hand—have been left out; but here, again it may be said, that doing full justice to the subject would take several volumes and not a booklet. All in all, I think the Office of War Information deserves praise, even considerable praise, for this work.

"Chandler Owen, in the foreword, has given a short but able summary of the progress of the Negro since emancipation. He also predicts what the Negro would lose under Hitler by citing what the latter has said about them. He tells how badly Hitler has treated not only Jews, but his own so-called Aryan brethren who opposed him, and adds logically and truthfully. 'There, men and women of color, is your social security under Hitler.'

"MUST DEFEAT HITLER MENACE

"But as one looks on the seamy side, too, I don't think Owen went far enough. Whether he would have been permitted to I don't know. Of course, Negroes must oppose Hitler, not because of what he might do to them if he came here, but because he is a menace to all humanity. An attack on humanity anywhere is, I feel, an attack on humanity everywhere. 'The world is but one country,' said Abdul Baha, "and mankind is its citizens.'

"We all, regardless of color, must learn to have the same horror of the Hitlers, Mussolinis and Tojos, as we have of the monsters of history such as Nero, Caligula, Ivan the Terrible, and Henry VIII. Such must be given no quarter. The Japanese massacre the Chinese, a yellow people, and if it suits their purpose, they will as readily massacre white and black people. We want no dictators, white, black, or yellow.

"FEAR AMERICA'S OWN HITLERS

"However, truth to tell, I'm not half so scared about the Hitlers, Mussolinis, and Tojos, thousands of miles across the sea, as I am of the Hitlers, Mussolinis, and Tojos, right here at home. What the latter are actually doing to Negroes now is so much more concrete, so much more felt, that trying to scare Negroes with Hitler is like trying to frighten a man in Texas, who is being chewed up by a bulldog, by telling him that way up in Maine a great lion is coming after him. It simply doesn't work. And as for what Hitler has said about Negroes, I could quote you worse, and in far greater volume, from the CONGRESSIONAL RECORD.

"Would Negroes suffer more than white Americans if Hitler came here? Don't believe that for a moment. To begin with, the whites have more wealth to be taken by Hitler. Also, more accustomed to freedom, they would be more resisting, and forever plotting, which would make their lives a hell on earth. As for the Japanese, if they came here, the lot of the whites would even be worse yet. But the Negroes would not escape. Their lives are too inextricably bound with that of their white fellow-citizens. All Americans would suffer. But just you try and let our American Hitlers see that. You'll find them as deaf as the German Hitler.

"LITTLE KNOWN FACTS IN HISTORY

"As for comment on 'Negroes and the War,' in the white press, it was uniformly commendable. Especially good, I thought, was that by the noted writer, William Philip Simms, in the New York World-Telegram, February 9, 1943. However, I find myself differing with Mr. Simms on one point where he says, 'In no country on earth has a racial minority made such progress as have the 13,000,000 Negroes in the United States."

"There was a time when I used to repeat this cliche myself, but then I was ignorant in Negro history. Today all of that is so much hooey to me. For instance, starting with Mexico and all the way to Argentina one can name Negro presidents in almost every country. Brazil's three emperors were all of European Negro ancestry. The founder of the Brazilian Republic and its first president was a mulatto. As for other Brazilians in high public life they could be named galore. Argentina's first president, her Alexander Hamilton so to speak, was a dark mulatto, Bernardino Rivadavia. Mexico's chief liberator and her second president, Vincente Guerrero, also was a Negro.

"CITIZENS SUFFER FROM OWN LAWS

"When it comes to possession of this world's goods as well as in education, the Aframerican tops the Negroes of the Rio Grande. But this is only because the United States is better off economically. The difference is like that between the cat that lives in a butcher shop and one in a notions store; or the rich man's dog and the poor man's dog. The former cannot help but be fatter.

"Any progress to be real must be made in manhood and citizenship rights. In this you'll find the Aframerican far behind. The United States is the only country in the New World with laws on its statute books against its own citizens because of color. With the exception of parts of British Africa it is the only land on earth with enforced color segregation.

"PROGRESS TALK A LOT OF DRIVEL

"No, talk about the Negro's progress is but so much optimistic drivel. I'll begin to believe it when I see even one Negro justice of the Supreme Court, or one cabinet minister, or one admiral. And please don't remind me of that old one about the Negro's being just out of slavery. Whites were slaves in this country, too, but as soon as they were freed they were eligible for jobs like other whites. As for the white immigrant who comes to this country, sometimes even more illiterate, more debased than a Dixie peon, he has been able to go, and has gone, to every high position except that of President."

Mr. LANGER. Finally, I present a story by a North Dakota man, Lt. Francis E. Nuessle, son of a former chief justice of the North Dakota Supreme Court, recounting a Negro's bravery, as published in the Washington Star.

The article is as follows:

[From the Washington Evening Star of March 18, 1943]

"HONOR OF NEGRO RACE IN WAR IS REPORTED UPHELD BY MANY—FIGHTING HOLDEN FAMILY OF NINE CITED AS EXAMPLE OF SERVICE TO NATION

"(By John A. Moroso 3d)

"WITH THE ATLANTIC FLEET, March 18.—The hail of Japanese bombs and torpedoes that destroyed the 32,600-ton battleship *Arizona* at Pearl Harbor also killed five brothers of the fighting Holden family—an orphaned group of nine colored boys.

"On September 14, 1942, Warren Holden, 18, of New York City, enlisted in the Navy as an apprentice seaman.

"'I'd like to get on a gun crew and get over there to get a few Japs for my brothers who didn't have a chance to defend themselves last December,' he told recruiting officers.

"Young Holden has three brothers in the Army. His father served in the Navy in the last war. Aunts and uncles helped raise the Holden boys after their parents died.

"These youngsters, like many other colored persons, have been upholding the honor of the Negro race in American armed forces in this war. Several have been decorated. I have heard many stories of their bravery in my travels with the fleet.

"STORY OF TRACY MARCUS

"There was Tracy Marcus, 18, of Mullins, S. C., a messman aboard the 840-ton seaplane tender *Gannet*. The *Gannet* was plowing along in the Atlantic off Bermuda last summer when a torpedo struck her amidship. She went down in 4 minutes, but 50 seamen managed to get over the side and onto life rafts.

"'Lord have mercy on us, on our souls. Save us from the sea,' said a voice in the pitch-black darkness.

"Lt. Francis E. Nuessle, skipper of the *Gannet*, knew that it was Tracy Marcus praying, and he knew that young Marcus could sing spirituals. He commanded the lad to

sing and the air soon rang with such songs as 'Just Beyond the River Jordan,' 'Everybody That's a-Living Got to Die,' and 'I Got Shoes.'

"The singing was infectious. Lieutenant Nuessle joined in and pretty soon everybody pitched in. They still were singing hours later when planes and rescue ships hove into sight.

"The destroyer *Gregory* was converted into an auxiliary transport and sent to Guadalcanal. Two Jap cruisers and three destroyers cornered her last summer and sent her to the bottom with shellfire. Survivors plunged into the water—a shark-infested area.

"A colored lad named Fred French, 20, son of Mrs. Millie French, of Newark, N. J., was aboard one of the overcrowded life rafts. When he realized that the raft was drifting away from shore, he tied a line around his waist and dived into the water with these words:

" 'I'm going to tow this old crate in.'

"FRENCH WAS STILL SWIMMING

"Six hours later a barge picked up the men on the raft. Young French, exhausted, was still swimming.

"When the *Arizona* was sunk at Pearl Harbor a 213-pound colored messman, Dorie Miller, 22, of Waco, Tex., manned a machine gun although he had never had any formal training with the weapon. He fired at Jap planes until his ammunition was exhausted. He was trying to reload the gun when officers ordered him to abandon ship.

"Navy Secretary Frank Knox commended Messman Miller 'for his distinguished devotion to duty, extraordinary courage, and disregard for his own personal safety during the attack.'

" 'While at the side of his captain on the bridge,' the commendation read, 'Miller, despite enemy strafing and bombing, and in the face of a serious fire, assisted in moving his captain, who had been mortally wounded, to a place of greater safety, and later manned and operated a machine gun until ordered to leave the bridge.' Young Miller is the son of sharecroppers operating a 28-acre farm near Waco.

"I had a good chance to observe colored boys in the Navy during the invasion of North Africa. I found them courageous and conscientious. It was the job of our messmen to pass the ammunition. They were assigned to the magazine, deep in the bowels of a ship—a hazardous place to be during a torpedo strike. These boys sweated down there for almost 8 hours and when our battle was over they came topside and served us food, although they were exhausted and covered with sweat.

" 'Were you scared?' I asked one of them.

" 'Yes, sir,' he replied.

" 'What did you do about it?' I asked.

"TOO BUSY TO THINK

" 'I was too busy to think much about it,' he said.

"Up until last April the Navy used colored persons only as messmen. They cooked and prepared the meals and served them piping hot. On April 8 the Navy opened up all ratings to them and made plans to train them as electricians and carpenters' mates, ship fitters, metalsmiths, machinists' mates, and aviation and motor machinists' mates.

"Camp Robert Smalls was constructed at Great Lakes, Ill., and a 16-week course was laid out. Colored boys were enrolled and started courses on how to be quartermasters, radiomen, signalmen, yeomen, bakers, cooks, and gunners' mates.

"The camp was named after a colored pilot who took the Confederate transport *Planter* out of Charleston Harbor during the Civil War and delivered it to the Yankee forces. Pilot Smalls later was made skipper of the craft and he served with distinction.

"Last September a colored man, Capt. Hugh N. Mulzac, of Brooklyn, N. Y., was named skipper of the 10,500-ton Liberty ship *Booker T. Washington*. Captain Mulzac, who started his sea career abroad a Norwegian whaler, already has made several voyages to England.

"He recently described his crew as a 'checkerboard,' for he has Englishmen, Danes, Turks, Norwegians, Belgians, Irishmen, Americans, and Filipinos under his command.

"Exact figures are not available, but the Navy says 'several thousand' colored persons joined up before enlistments were discontinued and that 'several hundred' more have been assigned to the Navy by draft boards.

"The Coast Guard has assigned hundreds of colored recruits to active duty, and the Marine Corps is training a combat battalion of 900 men at New River, N. C.

"Many have joined up as musicians.

"Two former track stars, Eulace Peacock, of Temple, and Jim Walker, of Iowa, are teaching boxing in the Coast Guard.

"The Navy hasn't enlisted colored girls for the WAVES and SPARS. The National Association for the Advancement of Colored People is pressing a campaign in that direction now."

The ACTING PRESIDENT pro tempore. The question before the Senate is on agreeing to the amendment offered by the Senator from North Dakota to the amendment of the Senator from New York.

Mr. RUSSELL. Mr. President, I ask that the amendment be again stated.

The ACTING PRESIDENT pro tempore. The amendment will be again stated.

The LEGISLATIVE CLERK. On page 13, line 12, after the word "applicable", it is proposed to insert:

Nor shall any overtime be payable under the act of March 28, 1934, as amended (48 Stat. 522, title 5, sec. 673).

Mr. RUSSELL. Mr. President, was any explanation made of the amendment? I should like to know its purport.

Mr. MEAD. Mr. President, it was testified before the committee that there is discrimination in one of the navy yards in which certain persons are denied admission to an organization or union, and by denying such admission they are denied the privilege which Congress provides in this proposed legislation. This amendment merely prescribes that there shall be no discrimination so far as color, creed, or race are concerned in admission to organizations or unions which operate in Government agencies.

Mr. RUSSELL. Does the Senator mean to imply that we have a closed shop in Government navy yards?

Mr. MEAD. No; they are not exactly closed shops, but a report was presented to the committee indicating that certain people are discriminated against and denied membership, and therefore they are denied advancement when they are entitled to it.

Mr. RUSSELL. If there is no closed shop, and the Government has not entered into a contract with the union on the basis of a closed shop, I do not see how there would be any discrimination against any individual.

Mr. MEAD. A man may become an apprentice or a helper and he may advance and become eligible for appointment as a journeyman, but to be a journeyman I understand he has to become associated with a union, and to that extent there is a closed shop. He cannot become associated with the union; it may be that he is denied membership by some surreptitious method; but, nevertheless, he is denied membership, and therefore he does not advance to the position of a mechanic to which his years of service would entitle him to advance.

Mr. RUSSELL. If the statement of the Senator from New York is correct, we have a closed shop now in the navy yard, because, without a closed shop, it would be impossible to deny anyone any advancement if his skill would entitle him to it.

Mr. MEAD. In a way there is not a closed shop, because a mechanic may file an application and secure an appointment in the navy yard and not be a member of the organization until after he is an employee of the navy yard. In other words, the mechanics are not hired through the union or through a hiring hall. There is a difference. There is a charge of discrimination.

Mr. RUSSELL. I understand there may be a charge of discrimination, but I was trying to elicit the facts. Does the Senator take the position that there is any rule or any contract of collective bargaining in these yards which would deny promotion to a person who is not a member of a union?

Mr. MEAD. No; I do not know that.

Mr. RUSSELL. It seems to me it is merely a charge, then, that is not sustained.

Mr. MEAD. Oh, yes; it was sustained, according to the information presented to the committee, and the provision was adopted by the committee by a majority vote.

Mr. RUSSELL. How did the information convey to the committee the fact, if it is a fact, that a person has to be a member of a union in order to get any promotion?

Mr. MEAD. It is not really a promotion. If a man is a helper, he remains a helper, because he cannot become a bona fide member of a certain union, which evidently represents all the men who work in the particular place, who are listed as journeymen, and, therefore, in view of the fact that he is not associated with the union, he does not advance but stays where he is.

Mr. RUSSELL. I may be very slow to grasp this subject, Mr. President, but it seems to me that if there is no such thing as a contract with the union, the charge which the Senator makes, or says was made to the committee, would be absolutely impossible, because certainly unless there is a closed shop, or a contract with the union, the fact of membership could not affect promotion, unless there were some kind of collusion between the union and officers in charge of the navy yard.

Mr. MEAD. There may be some understanding, but there is not what might be called, in the broad sense, a closed shop. The evidence before the committee, however, was that there was considerable discrimination. That might be the result of collusion, it might be the result of custom, but it is there. The able Senator who sponsored the amendment

knows more about it than I do; he presented it, and he can probably answer the question in greater detail.

Mr. RUSSELL. Did the Senator call before the committee any of the officers in charge of the navy yards and give them an opportunity to explain the situation, or to absolve themselves from the charge of collusion made against them in the committee?

Mr. MEAD. They were right there when the charges were made, and they had opportunity afforded them to answer the charges.

Mr. RUSSELL. Did the Senator from New York ask them about the charge, with respect to it, or interrogate them?

Mr. MEAD. There were four or five witnesses from various sections of the country who discussed the question, and it was generally understood that in this particular locality, and in this particular union, certain people were denied membership. The committee realized that the charge was more or less accurate, and a representative of the union was there, and he did not challenge it.

Mr. RUSSELL. The committee, then, had only the testimony of those who were making the charge?

Mr. MEAD. Plus the presence of any number of others, some of whom were given the floor, and others refused to take the floor.

Mr. RUSSELL. Mr. President, it seems to me this section goes rather a long way. I am very reluctant to say anything about it, due to the fact that someone might question my motives on account of the fact that everyone from the South seems to be suspected when such questions are involved.

Mr. MEAD. It merely asks the union to live up to the Constitution.

Mr. RUSSELL. I am not so sure about that. I am not so sure this provision is constitutional. It says that if a man happens to be a member of a union, and the union does not adopt certain rules which the Senator says are laid down by the Constitution, then he will be denied the benefit of the proposed pay increase. I suppose a man might be a member of the union and refuse to support the rule. At what time would the man have to resign, or dissociate himself from the union, in order to be able to collect the pay? The Constitution guarantees certain civil rights which may be enforced in the courts, but this provision seeks to impose certain rules upon a private local union which has no connection with the Government.

Mr. MEAD. Let us look over the broad picture. Here is a Government agency, operating very close to the Government. Certainly such an agency should carry out not only the spirit and letter of the Constitution, but it should be as accurate and as diligent about it as it possibly can be. If, in that agency, someone is discriminated against because of his color or his race or his religion—and that was testified to, and we all agreed that it was being done—that is unconstitutional, and we should not tolerate that in any agency of the Government, no matter what the creed or the race or the religion or the color or anything else of the applicant may be. So the committee by a majority vote determined that the amendment should go in the bill, because they believed that certain people working for the Government of the United States were denied membership in a certain union.

Mr. RUSSELL. Mr. President, it is one thing to have discrimination against an individual by the Government, and another thing for Congress to legislate rules and regulations, regulations which will force private organizations, which are not recognized by the Constitution, which have absolutely no standing except as in the case of all other private local groups, to accept any person into membership.

Mr. MEAD. It was not a discrimination against an individual, it was a discrimination against an entire group.

Mr. RUSSELL. I could see that if the local union were recognized for bargaining, this practice might be used as a means of discrimination, but if the local union is not recognized for collective bargaining purposes by the authorities of the navy yard, I utterly fail to see how membership in the union could result in discrimination against any group, whether it be a group that is designated by religion, or by race, or by creed.

I did not know heretofore that there was such a thing as a closed shop in any of the Government departments. If there is, I am very much opposed to it, and I think something should be written into the pending bill which would eliminate it, because I do not believe in a closed shop in any branch of the Government of the United States. All Government employees have a right, of course, to organize, but certainly there should not be any closed shop in any Government bureau or department. I wish to say to the Senator that in my judgment it is certainly violative of the spirit of the Constitution if there is anything that is the equivalent of a closed shop in any Government yard or in any Government agency.

Mr. MEAD. Whether there is a closed shop, or whether there is or is not any discrimination, it occurs to me that restating the policy contained in the Constitution will do no harm.

Mr. RUSSELL. There is no provision in the Constitution with which I am familiar which requires any private group not to discriminate against any individual in social contact on account of his race or color or creed. We could not legally adopt a legislative provision which would force any church to accept members it did not desire to accept.

Mr. MEAD. We are not dealing with a church.

Mr. RUSSELL. We are dealing with a local labor union which is not recognized for collective bargaining purposes. If we have the power to control their membership we have the right to control the membership of any private club or church or say whom a man must receive in his home.

Mr. MEAD. We are dealing with a situation which arises in a navy yard, which comes directly under the jurisdiction of the Congress of the United States. If a man is eligible to fight and die for this country in Libya, or Tunisia, or Guadalcanal, that man should be protected in his work and in his right in the navy yards where ships are built to do the fighting in those remote places.

Mr. RUSSELL. I will not dispute that with the Senator.

Mr. MEAD. That is all we are trying to do.

Mr. RUSSELL. I do not think my question would exactly entitle the Senator to wrap the flag around him and declaim in that manner. The Senator is here proposing to legislate against a local union—to say who shall be members of a local club or group that has no official connection with the Government—and I am trying to get the facts as to why the committee saw fit to do that. The Senator is not dealing here with the right of employees in the navy yard, he is not dealing here with the right of promotion in the navy yard; he is saying that this local union, which is not recognized as a collective bargaining agent, cannot have any rules of membership which discriminate against any person on account of religion or race or color. I think we are going a pretty long way in the Senate when we attempt to do any such thing. The members of any club or local union have some inherent and fundamental rights as well as those who are seeking membership.

Mr. MEAD. The provision would operate only with respect to the navy yard.

Mr. RUSSELL. Section 15, as I read it, does not refer to any navy yard.

Mr. MEAD. That is correct, but that is the only place, so far as the committee is informed, where this discrimination exists, and we prescribe that it shall not exist in an agency within the framework of the Government of the United States.

Mr. RUSSELL. I doubt very seriously that we can go so far. We may have the right to say that the Government employees cannot organize a union, but certainly I do not think we ought to go so far as to undertake to legislate as to what rules and regulations a local union may have, when that union is not recognized as the sole collective-bargaining agency by any department of government.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. BYRD. I should like to say that I thoroughly agree with the Senator from Georgia that this amendment should not be in the bill. It is inconsistent with the remainder of it. As I understand the proposal of the Senator from North Dakota, it would prohibit a member of a union from obtaining overtime pay because the union allegedly practices discrimination. Why should an individual member be penalized?

Mr. RUSSELL. That is the very point I was making.

Mr. BYRD. Why should an individual member be penalized because the union did something with which the member may not agree? The particular member

may not agree to the discrimination practiced, but the amendment proposed by the Senator from North Dakota would result in penalizing that member, who may not agree with the union practices, by denying him overtime pay. That is going pretty far, when the unions are not under Governmen control, and there is no way by which the Government can compel them to do one thing or another. The proposal would result in penalizing individual members.

Mr. RUSSELL. Mr. President, it is not clear under the amendment as drawn that a man can withdraw from the union and thereby avail himself of the pay increase as provided. It could be construed that if he were a member of the union at the time the measure is passed, and if there had been any discrimination in the past against any person by reason of denying him admission in the union due to his race, color, or creed, that the member of the union would be debarred from receiving the increase in compensation provided for by this measure.

It is all very well, Mr. President, to oppose discrimination before the law, but it is an entirely different thing to have the Congress of the United States undertake to write a law which applies to any private group; to provide that no person shall be entitled to this increase who is a member of a union which discriminates against any person on account of race, color, or creed. If we have the right to do that we can go further and say that if an employee of the Government is a member of the Kiwanis Club, and if that Kiwanis Club discriminates against any person on account of race, color, or creed, that that member of the Kiwanis Club shall be penalized by being denied the benefit of any law the Congress may enact. If we have the right and power to adopt this provision as to local unions we can apply similar penalties to any club, church, or private organization in the country. Such a law is more clearly unconstitutional than the alleged discrimination it seeks to remove. The right to choose one's own associates is, in my opinion, as fundamental as any right guaranteed by the Constitution.

Mr. President, I know that coming from the section of the country I do I perhaps am not the proper person to raise this issue, but this is a much more far-reaching proposal than it would appear to be at first blush, and Senators from all sections of the country should give pause before proceeding to legislate as to private organizations in any such manner as this. I think the entire section ought to be stricken out of the bill. If we adopt it, it will arise to plague all of you in the future.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from North Dakota [Mr. LANGER] to the amendment of the Senator from New York in the nature of a substitute.

Mr. WALSH. Mr. President, may I ask the Senator from North Dakota to explain his amendment? Perhaps he has done so in my absence.

Mr. LANGER. Under section 15 of the measure we included 40 percent of the Federal employees. All my amendment does is to include the remaining 60 percent, those who come under the wages-and-hours law, and who work in the United States navy yards. It seemed to me that the Senator from New York [Mr. MEAD] explained the amendment quite fully and completely.

Mr. WALSH. Unfortunately the amendment refers to statutes and to previous acts. The language of the amendment is not very informative.

Mr. MEAD. Let me explain the amendment very briefly.

Mr. WALSH. The language of the first part of section 15 reads:

> The provisions of sections 2 and 3 of this act shall not be applicable to any person—

And so forth. The Senator from North Dakota proposes to add language after the word "applicable" which would make the language of section 15 read:

> The provisions of sections 2 and 3 of this act shall not be applicable nor shall any overtime be payable under the act of March 28, 1934, as amended (48 Stat. 522, U. S. C., title V, sec. 673).

What is the act of March 28, 1934?

Mr. MEAD. The Langer amendment extends the provisions of the committee amendment applicable to the employees who come under the Classification Act to the employees who come under the wages-and-hours law, and to employees of the navy yard and arsenal. It extends the provisions to persons who are not included in the committee amendment but who come under the laws quoted in that section, and whose pay is adjusted from time to time by local wage boards.

Mr. WALSH. Is the amendment proposed by the Senator from North Dakota acceptable to the committee of which the distinguished Senator from New York [Mr. MEAD] is a member?

Mr. MEAD. No; I cannot say that. I said it was acceptable to me, and that I should be very glad to take it to conference. I am authorized by the majority of the committee to speak for a definite section 15 which is in the bill, but the committee did not consider the amendment proposed by the Senator from North Dakota.

Mr. WALSH. How many employees does the proposal embrace?

Mr. MEAD. Sixty percent of all the employees of the Federal Government, while the committee amendment covers 40 percent of all the employees of the Federal Government.

Mr. WALSH. Would the proposal increase the cost of the proposed legislation or decrease it?

Mr. MEAD. I do not believe it would increase it. It simply has to do with the question of discrimination. It would not add or subtract from the cost.

Mr. WALSH. At best I have not received much information with respect to the proposal.

Mr. MEAD. That is true. I doubt very much, however, if it would increase the cost of the proposed legislation.

Mr. WALSH. The Senator from New York personally thinks that the amendment should be adopted, but can he express the opinion of the other members of the committee who considered the proposed legislation?

Mr. MEAD. No; I cannot. The majority of the committee approved only the language which is in the bill, and which is known as section 15.

Mr. WALSH. Has the Senator from Virginia [Mr. BYRD] an opinion on this amendment?

Mr. BYRD. Mr. President, I will say as a member of the committee that I voted against inclusion in the original committee amendment of section 15, and I am even more opposed to the amendment to the amendment which has been proposed by the Senator from North Dakota. I think it is entirely outside the province of the Government to penalize an individual member of a union as the Senator from North Dakota attempts to do, by denying him his overtime pay by reason of the fact that the union does something in regard to racial discrimination, or even is alleged to do so. Who is going to determine whether there has been discrimination? There is no machinery provided for that purpose. If the Senator from North Dakota wants to put the labor unions under Government control, and make them Government agencies, that is an entirely different matter. But they are not Government agencies; they are not under Government control; they are private agencies. The Senator's amendment is absolutely unworkable. It is inconsistent with the bill, and has nothing to do with the purpose of the bill, which is to readjust the wage scales of the civil-service employee.

Mr. President, I wish to be recorded as in opposition to the amendment offered by the Senator from North Dakota. The Senator from Georgia [Mr. RUSSELL] has asked me to record him similarly. He, unfortunately, is temporarily absent from the Chamber. In the committee both of us opposed it, as did the Senator from Ohio [Mr. BURTON].

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. MEAD. I shall be glad to yield.

Mr. OVERTON. Let me present a hypothetical case to the Senator from New York. Suppose there is a local union, 40 percent of the members of which are opposed to any discrimination on account of race, color, or religion. Am I to understand that under the provisions of the amendment the minority of 40 percent, a large minority, would not be able to receive any overtime compensation or any additional compensation under this bill because they are affiliated with a union the majority of which takes such action?

Mr. MEAD. I think the Senator is correct.

Mr. OVERTON. If any question of a discrimination prohibited by the Constitution is involved, would not that be a discrimination against the individual, if an individual employee of the Government is discriminated against because he belongs to a union with the theories of which he is not in sympathy, but as to which the majority of the union have announced a certain policy?

Mr. MEAD. I think my able colleague is correct. We went into that question

very briefly, not adequately. It was assumed that if there were a penalty for group discrimination, the minority of which the Senator speaks would become the majority.

The Senator can see how unfair it would be if an organization set up in any shop or factory decided that it would take in as members only persons of the Christian faith. The Congress would not tolerate such a thing. It might be that if there were legislation which would penalize a practice of that kind, the practice would be completely wiped out as a result of the discipline resulting from the legislation.

But in the present instance we find existing in the shadow of the Capitol the practice of men being denied membership in a union because of their color. The committee felt that if some notice were taken of that situation, the union would without hesitation eliminate the discrimination. After all, the only discrimination existing today before we act is the discrimination against a man because of his color.

Mr. OVERTON. Then the position of the able junior Senator from New York is that Congress will enforce its views upon a union, and will do so by saying to its members, "You are not going to get any of this additional money unless you subscribe to our viewpoint on this question. It does not make any difference whether as many as 49 percent of the members of your union are against that theory or policy; those 49 percent are not going to get the benefit of this act—none of you are going to get the benefit of this overtime-pay legislation—because you do not adopt our views as to the policy for your organization."

Mr. MEAD. As I said, the committee considered that problem.

Mr. BROOKS. Mr. President, will the Senator yield?

Mr. MEAD. I am glad to yield.

Mr. BROOKS. In discussing the effect of having Congress impose its will on unions, let me say that the amendment of the Senator from North Dakota goes only to one union within a Government navy yard, which is wholly financed by the Government and is engaged exclusively in making things for the Government. All the amendment would do would be to say that such union cannot exist on Government money and on Government property, where munitions for the Nation are being made, if it continues to discriminate against any citizen. That is the nub of the situation; is it not?

Mr. MEAD. That is stating the position taken by the majority of the committee.

Mr. BROOKS. As a member of the committee, I supported that position; and I may say for the majority of the committee, that the majority supported that position.

Mr. MEAD. That is correct.

Mr. BARKLEY. Mr. President, why was not the amendment included in the bill when it was reported?

Mr. MEAD. It is in the bill.

Mr. BARKLEY. I understand there is no objection to that.

We are debating the amendment of the Senator from North Dakota, which makes some change in the bill.

Mr. MEAD. That is correct.

Mr. BARKLEY. What has been the committee's attitude on it?

Mr. MEAD. The committee took no position at all on the amendment which has been offered by the Senator from North Dakota [Mr. LANGER]. I am speaking for the amendment adopted by the committee—the amendment contained in section 15 of the bill. So far as I am concerned, I said I was willing to take the proposed amendment to conference.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from North Dakota [Mr. LANGER] to the amendment of the Senator from New York in the nature of a substitute.

Mr. LANGER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Gillette	Overton
Austin	Green	Pepper
Bailey	Guffey	Radcliffe
Ball	Gurney	Reed
Bankhead	Hatch	Revercomb
Barkley	Hawkes	Reynolds
Bone	Hayden	Robertson
Brewster	Hill	Russell
Bridges	Holman	Shipstead
Brooks	Johnson, Calif.	Smith
Burton	Johnson, Colo.	Stewart
Bushfield	Kilgore	Thomas, Idaho
Butler	La Follette	Thomas, Okla.
Byrd	Langer	Truman
Capper	Lucas	Tunnell
Chandler	McCarran	Tydings
Chavez	McClellan	Vandenberg
Clark, Idaho	McFarland	Van Nuys
Clark, Mo.	McKellar	Wagner
Connally	McNary	Wallgren
Danaher	Mead	Walsh
Davis	Millikin	Wheeler
Eastland	Moore	Wherry
Ellender	Murdock	White
Ferguson	Nye	Wiley
George	O'Daniel	Willis
Gerry	O'Mahoney	Wilson

Mr. HILL. I announce that the Senator from Florida [Mr. ANDREWS], the Senator from Mississippi [Mr. BILBO], the Senator from Virginia [Mr. GLASS], and the Senator from Utah [Mr. THOMAS] are absent from the Senate because of illness.

The Senator from South Carolina [Mr. MAYBANK] is absent on an inspection tour of military camps.

The Senator from Montana [Mr. MURRAY] and the Senator from Nevada [Mr. SCRUGHAM] are absent, holding hearings in the West on behalf of the Special Committee to Investigate Small Business Enterprises.

The Senator from California [Mr. DOWNEY] and the Senator from Connecticut [Mr. MALONEY] are detained on important public business.

The Senator from Arkansas [Mrs. CARAWAY] is necessarily absent.

Mr. McNARY. The Senator from New Jersey [Mr. BARBOUR] is absent because of illness.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The Senator from Delaware [Mr. BUCK] is absent on official business as a member of the Small Business Committee of the Senate.

The Senator from Ohio [Mr. TAFT], who is in favor of the passage of this bill, and the Senator from Massachusetts [Mr. LODGE] are necessarily absent.

The ACTING PRESIDENT pro tempore. Eighty-one Senators have answered to their names. A quorum is present.

Mr. MEAD. Mr. President, I ask that the amendment of the Senator from North Dakota be stated.

The ACTING PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. On page 13, line 12, after the word "applicable", it is proposed to insert "nor shall any overtime be payable under the act of March 28, 1934, as amended, 48 Statute, 522, title 5, section 673."

Mr. LANGER. I ask for the yeas and nays.

Mr. BONE. Mr. President, may I have the amendment restated?

The ACTING PRESIDENT pro tempore. The clerk will again state the amendment.

The amendment was again stated.

The ACTING PRESIDENT pro tempore. The yeas and nays have been demanded. Is the demand sufficiently seconded?

The yeas and nays were not ordered.

The amendment to the amendment was rejected.

The ACTING PRESIDENT pro tempore. The question now recurs on agreeing to the amendment of the Senator from New York, as amended, in the nature of a substitute.

Mr. RUSSELL. Mr. President, I move to amend the amendment by striking out section 15 of the substitute.

The ACTING PRESIDENT pro tempore. The question is on the amendment of the Senator from Georgia. [Putting the question.] The "ayes" have it.

Mr. MEAD. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. LANGER. I ask for a division.

The ACTING PRESIDENT pro tempore. All in favor of the amendment——

Mr. RUSSELL. Mr. President, I make the point of order that the Chair has already announced the result.

Mr. MEAD. Mr. President, it occurs to me that the able Senator from North Dakota is within his rights. He was addressing the Chair when the question was put.

The ACTING PRESIDENT pro tempore. The question is on the amendment of the Senator from Georgia [Mr. RUSSELL], and the Senator from North Dakota demands a division.

On a division, the amendment to the amendment was rejected.

The ACTING PRESIDENT pro tempore. The question now recurs on agreeing to the amendment of the Senator from New York, as amended, in the nature of a substitute.

The amendment as amended was agreed to.

The ACTING PRESIDENT pro tempore. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill, H. R. 1860, was read the third time and passed.

Mr. MEAD. Mr. President, I ask unanimous consent that Senate bill 635 be indefinitely postponed.

The ACTING PRESIDENT pro tempore. Without objection, Senate bill 635 will be indefinitely postponed.

DEPORTATION OF CERTAIN ALIENS

Mr. RUSSELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 157, House bill 2076.

Mr. McNARY. Mr. President, what is the calendar number?

The CHIEF CLERK. Calendar No. 157, H. R. 2076.

Mr. McNARY. Mr. President, earlier in the day the able Senator from Georgia [Mr. RUSSELL] very courteously spoke to me about the bill. I wish he would make a brief statement regarding the general purposes of the bill before the motion is acted upon.

Mr. RUSSELL. Mr. President, the bill proposes to amend section 20 of the Emigration Act of 1917, as amended, so as to enable the Government of the United States at a time when the country is at war to deport to countries allied with the United States certain aliens who are citizens or subjects of our allies who for any reason cannot be deported to the country of their origin.

Mr. President, the following situation confronts us: At the present time under the law it is impossible to deport from the United States any citizen of any nation with which we are allied which has been overrun by any of the Axis Powers. The Bureau of Immigration and Naturalization was proceeding in a normal manner with the deportation of aliens to a country which is the seat of the governments in exile of these various powers. Under an opinion by the United States district court it was determined that such procedure was not legal, and the bill would merely permit the deportation of such aliens to the country wherein is located the governments in exile.

The bill has particular reference, Mr. President, to the deportation of alien seamen, although it would be applicable to any alien. It is approved by the Department of State; it is approved by the Department of Justice; it has the wholehearted and unqualified endorsement of the War Shipping Administration. It will also permit the deportation of any alien, be he seaman or otherwise, to the country whence he last shipped, if it is impossible to deport him to the country of his origin or the government of the nation of which he is a national is not in exile.

It is a very important bill, Mr. President, due to the shipping situation. I have heard of absolutely no opposition to it from any source. It passed the House of Representatives almost unanimously.

Mr. PEPPER. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. STEWARD in the chair). Does the Senator from Georgia yield to the Senator from Florida?

Mr. RUSSELL. I yield.

Mr. PEPPER. Mr. President, I am sorry that I did not anticipate that the Senator from Georgia intended to have the bill considered today or I should have sent to him a request for at least a temporary deferment of its consideration. I say that because I have received advice that the Chinese Ambassador has protested to the State Department against the passage of this bill. I was hoping that it might be possible for a little deferment of the bill to occur, to take it, at least, into next week. I understood that there were some negotiations under consideration which might lead, perhaps, to the removal of the objection I had in mind.

The PRESIDING OFFICER. Does the Senator offer objection to the consideration of the bill?

Mr. PEPPER. I was going to ask the able Senator from Georgia if it might be possible that the bill be carried over until the following week, at least, or until the next call of the calendar, so that possibly some progress might be made in the matter of which I speak.

Mr. RUSSELL. Mr. President, I always like to defer to any suggestion which may be made by the distinguished Senator from Florida; but this bill is of extreme importance, and it should be enacted at the earliest moment. Evidence has been submitted that at one time, as a result of this defect in the immigration laws, as many as 45 ships have been tied up in one harbor in this country. The War Shipping Administration is most insistent that the measure be considered as early as possible; the State Department has approved it and urged that early action be taken on the bill.

The committee canvassed the situation to which the Senator from Florida refers. Efforts were made to work out some amendments which had been suggested to the bill, but I was advised this morning that those amendments did not meet with the approval of the Department of Justice or of the State Department or of the War Shipping Administration. I rather doubt that any good purpose would be served, and I hope that the Senator from Florida will not insist that the bill go over, because, as Admiral Land says in one of the letters I have on my desk, shipping is the lifeline of this country today; we should do all within our power to see that there is no delay occasioned in the transportation of goods to those who are overseas.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. PEPPER. Is there any authority in the bill, which I have not had an opportunity to read, for this country to deport citizens of one country to another country, for example?

Mr. RUSSELL. There is.

Mr. PEPPER. Why? For example, suppose some Chinese sailors were in this country and became subject to deportation, would such Chinese sailors be deported to any country other than China? If so, what would be the advantage gained?

Mr. RUSSELL. The advantage would be in carrying out the general policy of the immigration law. If there should be a Chinese sailor in this country who had deserted his ship, he could be deported "to the country wherein is located the recognized government in exile of the country of registry of the vessel on which he entered the United States, if such country will permit the alien to enter its territory."

I read that from the bill.

Mr. PEPPER. Take the case of China, the government of which is in China itself; as I understand, then, it would not be possible, for example, to deport a Chinese sailor to England?

Mr. RUSSELL. It would be if the Chinese sailor had deserted a ship under English registry.

Mr. PEPPER. If he had deserted a ship under some other registry, could he be deported to that country?

Mr. RUSSELL. Yes, he could, if he deserted a ship under any other registry, provided that country was allied with us in the war.

Mr. BALL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. RUSSELL. I yield.

Mr. BALL. I think that would be true only if conditions made it impossible to deport the alien seaman to his native country. If circumstances connected with the war made that impossible, then, he could be deported to the nation under whose flag the vessel on which he sailed was registered.

Mr. RUSSELL. I thank the Senator for the correction; he has made a correct statement.

Mr. BARKLEY. Mr. President, as I understand, the present immigration law provides that, under certain circumstances and under the circumstances suggested, an alien may be deported to the country from which he came, but, because of the war situation and the fact that many countries are now dominated by the enemy, it is impossible to deport them to the countries from which they may have come, and, therefore, it is the purpose of this bill to enable this Government to deport aliens who are employed in shipping yards or on ships who desert or decline to work to the country——

Mr. RUSSELL. To the country where their government is exiled.

Mr. BARKLEY. To the country where that government has representation and where it has an entity.

Mr. PEPPER. That would not cover the case of China.

Mr. BARKLEY. It would not cover the case of China.

Mr. RUSSELL. No; it would not. I wish to say, in response to the suggestion of the Senator from Kentucky, that for the first 12 months of the war there was absolutely no difficulty; there were practically no desertions from the ships be-

cause we were deporting them to the country where the government in exile was located. It developed before the committee that most of the governments in exile have maritime courts set up in England today where deserting seamen can be tried under their own laws. But a habeas corpus proceeding was brought in one of the United States district courts, and the court held that a seaman could not be deported unless he went to the country of his national origin. Manifestly, in the case of Norway, Belgium, Holland, and other countries it is impossible to return him to the country of his origin.

Mr. BARKLEY. In other words, it is impossible to deport them to the country of their origin, and this bill is intended to remedy that situation by enabling this country to deport them under these circumstances to another country which is represented by a government in existence but in exile.

Mr. RUSSELL. That is correct.

The evidence before the committee showed that after the decision of the district court became known to seamen who came to this country and they found that they could not be deported, desertions increased 500 or 600 percent. The evidence further disclosed that many of these men were undertaking to marry American women and to stay in this country permanently, and were undertaking to become citizens of this country in order to avoid being sent back to the country of their origin. Not only was that violative of the spirit and intent of our own immigration laws and our regulations relating to deportation but it was unfair to the countries with which we were allied to have them denied the services of their men and their nationals in this time when each and every one of them is fighting for its national existence.

Mr. BARKLEY. Mr. President, if the Senator will permit me, it seems to me that this is an important measure affecting not only the construction of ships and the manning of ships but also the morale of our own country, and I hope the Senator from Florida will not insist upon an objection to the bill being taken up. I do not think it at all affects the situation which he has in mind.

Mr. PEPPER. Information has been communicated to me that some countries associated with us dislike the idea of having their nationals deported to some country other than their own. We have done so little, so very little, for China, for example, who has done so much for the rest of us, that I should not like to aggravate their irritations in any unnecessary way. I wish there were some way by which there might be discretion lodged in the United States authority which is responsible for these deportations, so that any legitimate complaint which any country might have could be heard by the officer exercising such discretion.

As the bill reads, if a Chinese sailor, for example, should be subject to deportation and must be deported by this country, he is not sent back to China or retained in this country, but he is sent back to the country of the registry of the vessel on which he is engaged. In substance, that practically means the British Isles, the British Government. Those sailors may not want to be deported to the British Isles, for all I know. Evidently some of them do not want to be so deported. Since both China and the British Empire are allies, I do not see why we should take the nationals of an allied nation and deport them to the territory of another allied nation, if perhaps they do not want to go, and if the sovereign whose nationality they have does not want them to go there.

I think it might be appropriate to provide at least that if there is involved a national of a country with which we are allied, the deportation to another allied country should not occur until the first nation might give its approval of the deportation.

The British probably would not want us to take a British sailor who deserted and send him to China because he happened to be on a Chinese vessel, and I suspect that we would hear something about it if we started to do it. I do not want Chinese sailors to be transferred back to Britain, for example, unless the Chinese Government perhaps had agreed to it. It seems to me only fair that we would not want to choose between our allies in a matter of this sort.

Mr. RUSSELL. Mr. President, under the bill, if it were impossible to deport the British sailors to England—and I might say we are deporting British seamen almost daily, and sending them back to England—if they were sailing in a Chinese ship and we could reach China, we would deport the British sailors to China.

I am just as jealous of maintaining good relations with the Government of China as is the Senator from Florida, or anyone else. I have just as high an appreciation of the magnificent sacrifices the Chinese have made in the common cause of all the Allied Nations. For that reason I took the bill up specifically with the State Department, to ascertain the views of the Department with regard to the provision regarding Chinese citizens. I had hoped this matter would not arise on the floor of the Senate, because I doubt that it serves any useful purpose to discuss it, but since the Senator from Florida has raised the question, I wish to read a paragraph in answer to a question I propounded in which I asked the Department to examine the bill with particular reference to the citizens of China. I read from the reply of the Department:

> In the opinion of the State Department the passage of this amendment to the immigration law appears to be of importance to the prosecution of the war effort. In effect, it removes a discrimination which has existed in practice in favor of Chinese seamen, and in the long run it can only work to the benefit of the Chinese Government and people.

That letter is signed by the Honorable Sumner Welles, Acting Secretary of State, and is under date of March 10, 1943.

We have to depend upon the State Department to carry on our negotiations with our allies in the war, and the State Department, upon the very question raised by the Senator from Florida, says this bill removes a discrimination in favor of Chinese seamen and that the enactment of the bill will be of great benefit to the Chinese Government and the Chinese people.

Mr. PEPPER. In what way has there been a discrimination in favor of the Chinese?

Mr. RUSSELL. Because of the fact that Chinese seamen, knowing they cannot be returned to China, have deserted in large numbers. There were several hundred in New York at one time, and we were compelled to keep them and feed them at Ellis Island, and some ships were tied up because the Chinese seamen could not be deported to England or to any other country, and it stood in the way of shipments abroad where goods were desired in order to carry on the battle against the common foe.

Mr. PEPPER. Mr. President, this is the first instance of any discrimination in favor of China of which I have ever heard. The general observation I have made is that most actions and most policies of the Allied and United Nations have been discriminatory against China, and if a few hundred Chinese sailors may in some measure atone for the discrimination against China thus far in this war, for one I rejoice in that measure of justice which they have received. Usually it is too little and too late.

Mr. HOLMAN. Mr. President, it is my understanding that the pending bill treats only of those who are in our country illegally.

Mr. RUSSELL. The Senator is correct.

Mr. HOLMAN. I think it is about time that our immigration laws were written and enforced for the welfare and protection of the American people, and not in the interest of aliens who are in this country illegally.

Mr. RUSSELL. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia that the Senate proceed to the consideration of House bill 2076.

The motion was agreed to, and the bill (H. R. 2076) to authorize the deportation of aliens to countries allied with the United States was considered, ordered to a third reading, read the third time, and passed.

EXECUTIVE ORDER STABILIZING WAGES AND PRICES (S. DOC. NO. 25)

Mr. BARKLEY. Mr. President, earlier today I had printed in the RECORD the statement of the President of the United States and the Executive order issued yesterday by him on the stabilization of wages and prices. So many requests will be made for the order, which cannot be filled by merely sending copies of the CONGRESSIONAL RECORD, that I ask unanimous consent that the statement and order be printed as a Senate document.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. STEWART in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EFFICIENCY OF THE WAR DEPARTMENT—LETTER FROM ROBERT H. McNEILL AND ARTICLE FROM ARMY LIFE

Mr. REYNOLDS. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a letter addressed to me by the Honorable Robert H. McNeill, attorney at law, 1627 K Street NW., Washington, D. C. The letter is entitled "Efficiency in Government," and it pays a very high compliment to the War Department.

In connection with the letter I submit for publication in the RECORD a table relating to activities of the War Department.

Mr. President, I wish to read at this time an article from the February 1943 issue of Army Life. It speaks in high terms of Col. Harold N. Gilbert, who was selected to be head of the Office of Dependency Benefits.

Mr. President, I ask that the letter, together with the accompanying table, and the magazine article, be printed in the RECORD, for the reason that very rarely do we receive fine letters of commendation from citizens in regard to governmental activities; but, on the contrary, as a rule we receive criticisms. For that reason, as I have stated, I should like to have these matters published in the body of the RECORD at this point as a part of my remarks.

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *April 6, 1943.*

Hon. ROBERT R. REYNOLDS,
Chairman, Military Affairs Committee, United States Senate, The Capitol, Washington, D. C.

DEAR SENATOR: In view of the general belief of some people, that there is much inefficiency in governmental activities, I feel it my duty as a citizen to bring to your attention as chairman of the great committee over which you preside, and through your committee to the attention of the general public, as striking an illustration of efficiency in Government as I have ever seen throughout a long period of years of residence in Washington, where I have been an acute observer of governmental methods.

Recently my professional engagements required me to visit the city of Newark, N. J. As you know, the War Department transferred to Newark that branch of its service which administered allotment payments to the dependents of the members of our great new Army. Col. Harold N. Gilbert was placed in charge of this great assignment and found available for use a new office building, that of the Prudential Life Insurance Co., and secured possession of it and began to add to and build up a force of lawyers, auditors, stenographers, typists and other clerical and mechanical employees sufficient to handle the stupendous task of sending out over 2,000,000 checks per month to all parts of the Nation and its dependencies. This force now consists of about 9,600 men and women, operating in 2 shifts of 8 hours each.

My sole object in bringing this matter to your attention is to commend this War Department activity upon which so many dependents of soldiers throughout the country rely for their monthly support, and to pay slight tribute to Colonel Gilbert for such a magnificent accomplishment.

R. H. McNEILL.

Report on work received and work accomplished in administration of family allowances, dependency allotments, and Class E allotments—weekly period Mar. 27, 4:45 p. m. to Apr. 2, 4:45 p. m., 1943

(a) Reference	(b) Item	(c) Cumulative total, end of preceding week since: July 31, 1942, for family allowance; Aug. 1, 1942, for dependency allotments; Nov. 2, 1942, for class E	(d) Current week	(e) Grand total, end of the current week
1	Work received:			
2	Total work received	$9,578,096	$369,876	$9,947,972
3	Family allowance applications	2,381,174	73,570	2,454,744
4	Class E allotment authorizations	511,592	27,879	539,471
5	Dependency allotment applications	55,653	1,902	57,555
6	Correspondence (pieces), changes of status, and documentary evidence	6,629,677	266,525	6,896,202
7	Cases acted upon and returned to file:			
8	Total cases acted upon	6,675,350	564,346	7,239,696
9	Family allowances (including changes in status)	3,348,098	269,327	3,617,425
10	Class E allotments	1,874,606	200,088	2,074,694
11	Dependency allotments	32,088	2,058	34,146
12	Correspondence (pieces)	1,420,558	92,873	1,513,431
13	Checks disbursed:			
14	Total number of checks disbursed	9,983,286	2,389,091	12,372,377
15	Total amount disbursed	$632,009,273	$124,978,073	[1] $756,987,346
16	Family allowances	$447,339,041	$73,967,190	[1] $521,306,231
17	Class E allotments	$184,670,232	$51,010,883	[1] $235,681,115
18	Mail:			
19	Incoming (pieces)	9,578,096	369,876	9,947,972
20	Outgoing (pieces exclusive of checks)	10,661,229	468,761	11,129,990
21	Family-allowance applications:			
22	Total applications duplicated	46,735	2,306	49,041
23	Total temporarily disallowed, incomplete, or insufficient evidence	142,866	5,992	148,858
24	Total disapproved	17,093	854	17,947
25	Total approved	2,126,452	63,100	2,189,552
26	Total applications in progress	48,026	1,320	49,346
27	Total remaining in effect after changes in status	1,964,584	52,624	2,017,208
28	Total class E allotments in effect	1,085,992	18,671	1,104,663
29	Cases in progress:			
30	Total cases in progress	140,853	31,030	171,883
31	Family allowances (includes item 26)	85,236	29,881	115,117
32	Dependency allotments	374	−168	206
33	Class E allotments	55,243	1,317	56,560

[1] Preliminary figures; amounts will be adjusted in succeeding report.

[From Army Life and U. S. Army Recruiting News for February 1943]

"GETTING 'EM PAID"—OFFICE OF DEPENDENCY BENEFITS SPEEDS FINANCIAL AID TO SOLDIERS' FAMILIES

(By North Callahan)

Bulwark of our Government's system of taking care of its soldiers' families is the War Department, Office of Dependency Benefits, at Newark, N. J.

This new agency, which ministers hourly to the needs of the dependents of United States Army men, through issuance of allowance and allotment checks, has become such a huge enterprise that it is now one of the largest business organizations in the United States. In many ways, it is the most important one.

Housed in an imposing 18-story new building at 213 Washington Street in Newark, the physical appearance of the Office of Dependency Benefits is almost as impressive as the scope of the far-flung work it performs. Since the agency recently moved from Washington, D. C., the name of the street on which it is located is most appropriate.

Col. Harold N. Gilbert, a distinguished officer of the Regular Army, is the director of the Office of Dependency Benefits, as it is called, and under his expert guidance, hundreds of officers and thousands of civilian employees ply their utmost financial skill day and night to meet the heavy requirements which our growing Army has placed upon those responsible for paying allotments to soldiers' families.

A full description of the Office of Dependency Benefits and its manifold functions would fill a book; as it is, we will report the results of a recent visit to the tremendous institution and set forth the high lights. An idea of the immensity of the work performed may be gained from a few figures: 1,519,055 family allowance applications were handled by the Office of Dependency Benefits through December 31, 1942; 3,500,000 pieces of incoming mail have been received and over 5,000,000 pieces sent out; and now the incoming mail averages 62,449 pieces daily and the outgoing mail, 63,422 pieces. Just since January 1, of this year, $89,000,000 in allowance and allotment checks has been mailed out by the Office of Dependency Benefits.

The first impression one gets from a visit to the Office of Dependency Benefits is the perfect order in which every detail of work seems to fit—and move. The modern brick structure is even more up-to-date inside, and the absence of smoking by any of the personnel lends a freshness to the atmosphere that is refreshing. In company with Maj. Anson D. Clark, genial public-relations officer, we started at the bottom of the whole thing and systematically went right through

to the top. When one reaches the highest floor of the building, and has completed observation of the final process of the intricate operations, he feels that he is not only high up in financial circles; he is literally at the apex of a great enterprise that keeps our family circles together.

The Office of Dependency Benefits administers, under public law, the payments to dependents of officers and enlisted men of the Army, of family allowances, emergency class E (dependency) allotments, and voluntary class E allotments.

The family allowance consists of a soldier's contribution from his pay, supplemented by one from the Government; the emergency class E allotment is made by the Secretary of War for the benefit of dependents of Army personnel who are missing in action, interned, beleagured, besieged, in the hands of the enemy, and under other conditions; the ordinary class E allotment is a voluntary allotment that any officer or soldier may authorize from his own pay and which he may terminate or change at his option.

Here is how the Office of Dependency Benefits operates. It will be well for every wife, mother, or other dependent of an American soldier to bear this procedure in mind the next time they receive allotment money. For there is a lot more to it than just the simple filling in of a blank check by Uncle Sam.

The Office of Dependency Benefits operates on a production line system with each of its thousands of workers performing a single operation, but there is this difference: On most production lines each worker knows just his own operation. On the Office of Dependency Benefits production line he is taught the entire operation of producing the product involved, which is in this case the allowance or allotment. Each Office of Dependency Benefits employee learns all these steps in a basic training course, and when he has finished he has a good general idea of the entire process of authorizing and paying these benefits.

This system was worked out by Colonel Gilbert, the director, and has been found to increase efficiency and instill employee interest in the whole job.

Applications for family allowances and allotments are received in the mail branch of the Office of Dependency Benefits, where they are time stamped and sorted. These applications are then sorted alphabetically, according to the soldier's last name, into 10 categories for 10 production lines. The application is then sent to the appropriate production line of the Case Recording and Record Searching Branch, where the application and its documentary evidence are placed, with a work sheet, inside a case folder. Then it is checked with the soldier's record card to verify his service and eligibility. The application is next given a number and a post card is prepared advising the applicant of its receipt.

Next the family allowance application goes to the Determinations Branch where it is checked for dependency relationship and other factors of eligibility, these processes usually taking only a few hours.

However, if the determinations branch finds evidence requiring a legal decision, the application goes to the legal branch for an opinion and then a decision by the Director. Also, if some piece of evidence or information is lacking, the case folder may be sent to the correspondence branch, where a letter is written asking for the information, which having been received, the application goes back to the determinations branch.

The next major step in the main production line for a normal family allowance is the authorization branch, where all actions of previous branches are finally checked, and if found correct and complete, as required under the provisions of the Servicemen's Dependents Allowance Act of 1942, the family allowance is authorized for payment. If authorized, the allowance is authenticated with the signature of Colonel Gilbert.

When the family allowance is authorized, it is transmitted to the Finance Division of the Office of Dependency Benefits for payment. Here the allowance becomes 1 of a lot of 100 authorizations and is reviewed and examined, the amount computed and verified, and accounting control established, a master card on this application is punched, a stencil card cut from which the check is to be written and the check drawn.

Each mechanical process involved in this series is verified by a machine and also by groups of clerks. Voucher registers are prepared on a machine which translates the information from the master punch cards onto large sheets of the register. This machine can type 100 recordings a minute.

The family allowance check which has now been written goes to the Disbursing Branch, where it is signed and sent on its way to the soldier's family. This Disbursing Branch is the one into which the benefit checks issued by the Office of Dependency Benefits are funneled from the various production lines. The signature of Lt. C !. W. L. Johnson, finance officer, is affixed by the check-writing machine, which also dates the check. Then the check goes on to another machine, the inserter, with a stack of others, a button is pressed, and the machine stuffs the check into the familiar brown envelope, licks the flap, seals the envelope, and deposits it with the others in a neat pile where it is counted.

Finally, the family allowance check, ready for mailing, is at last taken by a human hand and tossed with a bundle of others into a mail bag whence it goes to the Post Office Department and into some serviceman's home.

The class E allotments and dependency allotments are handled in much the same way.

So now it can be seen that the simple-looking check which a soldier's wife or other relative receives through the mail is the concentrated result of a tremendous, intricate, and painstaking production process.

In other words, check and double check.

When the Office of Dependency Benefits was formed a few months ago, a man of the highest caliber and most valuable experience was needed to head it. For these reasons Col. Harold N. Gilbert was selected as the Director.

Colonel Gilbert was awarded the Distinguished Service Cross for extraordinary heroism in France during the First World War and later, being wounded, was decorated with the Purple Heart Medal. Soon after the present conflict began, the War Department selected Colonel Gilbert, then Chief of the United States Army Recruiting Service, to head the gigantic recruiting campaign to build up our Army. He responded with enthusiasm and a sensational publicity campaign, and in so doing made the popular slogan, "Keep 'em Flying," a national byword. As a result of obtaining the hundreds of thousands of men in this campaign, Colonel Gilbert was decorated with the Distinguished Service Medal by Secretary of War Stimson, with an accompanying citation which explained that it was awarded "for his unusual foresight and resourcefulness in planning and conducting with conspicuous success the largest peacetime recruiting program in the history of the Army."

Executive officer of the Office of Dependency Benefits is Col. T. D. Joiner, a well-known Regular Army officer who has been on duty at the United States Military Academy, and from 1934 to 1937 helped to develop the war plan used by the American-Philippine forces under Gen. Douglas MacArthur.

Among other well-known officers of the Office of Dependency Benefits is Col. F. Granville Munson, officer in charge of the Service Division. His long record of achievement includes a degree from Harvard and being editor of the Military Laws of the United States. An outstanding legal figure of the Army, Colonel Munson was the senior military assistant to the Judge Advocate General in the recent trial of the eight Nazi saboteurs in Washington.

The Office of Dependency Benefits has a slogan. It is "Get 'em paid," originated, of course, by the Director.

Summing up the accomplishments to date of the Office of Dependency Benefits, Colonel Gilberts stated: "In addition to building a completely new organization, training and equipping it, being thrown into operation 2 months ahead of the original scheduled time, making the largest and fastest decentralization move from Washington to date, getting reestablished in a new location, and again having to procure and train over 4,000 new employees, the War Department Office of Dependency Benefits has achieved a record comparable to nothing in the Army or civilian lifetime under similar conditions in such a brief time. Despite the handicaps and magnitude of the task, the main job of 'getting 'em paid' is being accomplished. We are working day and night. The skies look clear ahead."

VISION OF THE UNSEEN—POEM BY HORACE C. CARLISLE

Mr. REYNOLDS. Mr. President, I have before me a poem entitled "Vision of the Unseen," by the poet of the Senate, Horace C. Carlisle. It was read in one of the Washington churches several days ago. It is thoroughly inspirational, and I ask that it be printed in the RECORD at this point as a part of my remarks.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

VISION OF THE UNSEEN

O dear God, Thy word is hidden
  In the framework of the world—
On the sky it is recorded,
  Where the night-stars shine, impearled—
And we, fashioned in Thine image,
  From the dusts of yesterday,
Hear the voice which thru life's changes
  Guides our footsteps all the way.

In this hushed and sacred moment,
  We would very humble be,
For in Thine eternal presence
  Every heart is known to Thee—
May the fretful fears that blind us
  Be transformed, O God, we pray,
Into faith and hope and courage
  That will drive these fears away.

Give to us that inner vision
  Of the Giver of all good,
That we may both preach and practice
  Sacrificial brotherhood—
Guide us thru this night of shadows,
  Till the earth, saved from despair,
Shall have rolled out of the darkness,
  Into daybreak everywhere.

—*Horace C. Carlisle.*

ADJOURNMENT TO MONDAY

Mr. BARKLEY. There is no Executive Calendar; therefore, it is not necessary for the Senate to go into executive session. I move that the Senate adjourn until Monday next.

The motion was agreed to; and (at 2 o'clock and 21 minutes p. m.) the Senate adjourned until Monday, April 12, 1943, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate April 9 (legislative day of April 6), 1943:

DIPLOMATIC AND FOREIGN SERVICE

Fred W. Jandrey, of Wisconsin, now a Foreign Service officer of class 7 and a secretary in the Diplomatic Service, to be also a consul of the United States of America.

GEOLOGICAL SURVEY

William Embry Wrather, of Texas, to be Director of the Geological Survey, vice Walter C. Mendenhall, retired.

HOUSE OF REPRESENTATIVES

FRIDAY, APRIL 9, 1943

The House met at 11 o'clock a. m., and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, which art in Heaven, who art closer than breathing and nearer than hands and feet, hallowed be Thy name. Lead us to steady our tempers and strengthen our characters. We pray that over the eager, vehement, restless spirit of man may brood that peace which passeth understanding. Grant that those who have grown weary in the journey, bruised and tarrying by the way, may be cheered by the invisible Saviour whose crown of thorns mocks the diadems of mortal monarchs and whose scepter shall sway the nations to a perfect liberty.

We sincerely pray Thee to discipline us that our defects and excesses shall yield a more complete manhood. In this day of fatalities, with its distresses of veiled hearthstones, encircled by the whirlwind of war, O do Thou enfold them with the mantle of Thy holy presence; so abide with them that fear and evil shall be of no avail. Let us not linger on the well-worn levels, retracing familiar steps, rather boldly and confidently mount to happier and wiser ways which lead to the goal of peace and contentment. Beset by many problems and difficulties, give more than human wisdom to our President; with broad vision and with minds alert bless our Speaker and the Congress. Through Christ our Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H. J. Res. 96. Joint resolution making an appropriation to assist in providing a supply and distribution of farm labor for the calendar year 1943.

The message also announced that the Senate insists upon its amendment to the foregoing joint resolution; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCKELLAR, Mr. GLASS, Mr. HAYDEN, Mr. TYDINGS, Mr. RUSSELL, Mr. NYE, Mr. LODGE, and Mr. HOLMAN to be the conferees on the part of the Senate.

PERMISSION TO ADDRESS THE HOUSE

Mr. DIES. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. DIES]?

There was no objection.

MAKING INELIGIBLE FOR EMPLOYMENT IN GOVERNMENT SERVICE CERTAIN INDIVIDUALS

Mr. DIES. Mr. Speaker, I am today introducing two bills. One of them makes ineligible for employment by the Government of the United States a person who affiliates himself or associates with any organization which our committee, the Interdepartmental Committee, or the Attorney General has found or will find to be subversive.

The second bill provides for the forfeiture of the citizenship of any person who affiliates himself in the future with any organization subject to foreign control which engages in a political activity.

I shall ask for early hearings on these bills and I hope they may be brought to the floor of the House without delay.

I also want to report, Mr. Speaker, that our committee has heard 18 Government employees and we will within another week have heard all of the 38 Government employees. The testimony of all of these employees is being promptly sent to the Appropriations Subcommittee considering the matter.

TAX BILL

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana [Mr. HÉBERT]?

There was no objection.

Mr. HÉBERT. Mr. Speaker, compromise seems to be in the air, and I hope it will not turn out to be some balloon which will burst over our heads. As everyone in this House knows, I was one of the 15, may I say enlightened Democrats who supported the Carlson bill.

On last night I addressed a letter to every one of the Democrats who supported that bill asking them to get behind the movement of our distinguished majority leader, the gentleman from Massachusetts [Mr. MCCORMACK], to bring some sort of compromise plan to this House.

Mr. RANKIN. Will the gentleman yield?

Mr. HÉBERT. Not at this time.

Mr. RANKIN. Where does the gentleman get that word "majority" when he speaks about that bill?

Mr. HÉBERT. The gentleman from Massachusetts [Mr. MCCORMACK] saw the light the next day after the debacle of last week and has been moving very hard to get this bill before us. Yesterday I was glad to see the minority leader, the distinguished gentleman from Massachusetts [Mr. MARTIN], take the floor and ask to get considered some sort of pay-as-you-go plan before recess.

Mr. MARTIN of Massachusetts. Will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. May I say to the gentleman that I have been every minute asking for this plan.

Mr. HÉBERT. Of course, we all know that to be a fact, and I am glad to see the gentleman still fighting so hard for a pay-as-you-earn plan. We had better get a pay-as-you-go plan or we had better not go back home.

The SPEAKER. The time of the gentleman has expired.

PERMISSION TO ADDRESS THE HOUSE

Mr. NEWSOME. Mr. Speaker, I ask unanimous consent to proceed for 1 minute, and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. NEWSOME]?

There was no objection.

[Mr. NEWSOME addressed the House. His remarks appear in the Appendix.]

PERMISSION TO ADDRESS THE HOUSE

Mr. COMPTON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut [Mr. COMPTON]?

There was no objection.

[Mr. COMPTON addressed the House. His remarks appear in the Appendix.]

Mr. DEWEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. DEWEY]?

There was no objection.

[Mr. DEWEY addressed the House. His remarks appear in the Appendix.]

Mr. THOMAS of New Jersey. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my own remarks in the RECORD, and to include a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mr. THOMAS]?

There was no objection.

[Mr. THOMAS of New Jersey addressed the House. His remarks appear in the Appendix.]

TAX BILL

Mr. SLAUGHTER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. SLAUGHTER]?

There was no objection.

Mr. SLAUGHTER. Mr. Speaker, a day or so after the Carlson amendment was defeated last week the majority leader, the gentleman from Massachu-

setts [Mr. McCORMACK], issued a statement that has been well received by the press, the businessmen, and the wage earners of this country. The gentleman from Massachusetts [Mr. McCORMACK], speaking for the majority charged with the responsibility of enacting a workable tax-collection bill, took the position that a tax bill should be introduced providing for the collection of taxes at the source, and almost without exception all classes of people are in agreement on this proposition.

The minority leader, the gentleman from Massachusetts [Mr. MARTIN], yesterday made the suggestion that some brief, concise, and workable bill be reported to the House before the adjournment on April 17. These expressions from both sides of the aisle show very clearly that there is no insurmountable obstacle in the way of the adoption of an orderly, efficient tax-collection system that will put an end to the present uncertainty.

What the country is demanding, in my judgment, is a tax bill that will get results, and get them now. It could well go into effect after the second quarterly payment on June 15, and whatever forgiveness of taxes might be involved would be a good investment in the bringing of our tax collections to a current basis. Unless we are prepared to sacrifice billions in revenue from persons who are receiving extraordinarily high incomes, we must go on a current basis, and we cannot go on such a basis without forgiving some taxes—at least, to some degree. Those who fear that war millionaires will be created overnight can banish their fears; for, in the first place, a bill which would become effective for the last half of the year would materially cut the amount of taxes which would be abated; and, furthermore, the able members of the Ways and Means Committee can easily and quickly frame a bill that will take care of this objection.

In view of the statement of the gentleman from Massachusetts [Mr. McCORMACK], as well as the statement of the gentleman from Massachusetts [Mr. MARTIN] yesterday, it is to be hoped that a practical, workable bill can be reported and passed before we leave Washington on April 17.

PERMISSION TO ADDRESS THE HOUSE

Mr. PACE. Mr. Speaker, I ask unanimous consent to proceed for 1 minute, to revise and extend my own remarks in the RECORD, and to include copy of the President's Executive order of last night in regard to stabilization of prices and wages.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. PACE]?

There was no objection.

[Mr. PACE addressed the House. His remarks appear in the Appendix.]

REMEMBER BATAAN

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

[Mr. FISH addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include therein an address delivered by the Reverend Father Edmund Walsh.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FULMER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include therein an editorial.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

(Mr. FULMER asked and was given permission to extend his own remarks in the RECORD.)

PERMISSION TO ADDRESS THE HOUSE

Mr. BUSBEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

[Mr. BUSBEY addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. TOWE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

THE HOBBS BILL

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, the procession of converts to some sort of a pay-as-you-earn tax plan which has been hitting the sawdust trail down here to the Well of the House would be encouraging to any evangelist. What I am wondering is whether when some sort of a pay-as-you-earn tax plan comes up for consideration those who favor it will be told from the floor of the House that if they vote for such a scheme they are scoundrels or fools.

The little zephyr of public condemnation that has hit this House because of its refusal to adopt some such plan is going to be nothing compared to the tornado of public indignation that will hit us if we try to fool the people with a Hobbs bill that does not reach the evil the people want corrected. I mean the end of violence, union raiding, extortion, and forced payment of dues and initiation fees. When the Hobbs bill comes on for consideration, you watch it, because some labor leaders and some others who want to compromise so as to permit racketeering are going to threaten us with political execution if we pass a bill which will give union men, as well as the public, real protection.

EXTENSION OF REMARKS

Mr. BRYSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein some statistics and an editorial.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. COFFEE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two topics; in one, to include a couple of memorials adopted by the Washington State Legislature, and in the other, to include a set of tables.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief statement by General MacArthur.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McMURRAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short editorial.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

A DANGEROUS ATTACK ON ONE OF OUR ALLIES

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, one of the most shocking and dangerous statements I have ever seen in the CONGRESSIONAL RECORD is that of the speech of David Dubinsky, which was inserted by permission of the Senate on yesterday at page A1705 of the Appendix, attacking the Russian Government for executing the two Jewish revolutionists, Ehrlich and Alter, in December 1942.

In my speech of April 7 I inserted a letter from the Russian Ambassador showing why these men were executed. According to that statement they were attempting to stir a revolution in Russia at the very moment when Russia was fighting for her life and holding the bulk of the German Army off the American and British forces in north Africa.

This speech of Dubinsky's was delivered to a mass meeting in Mecca Temple in New York City on March 30. It was

inserted in the Appendix of the RECORD yesterday, and today it is no doubt being broadcast over the German radio for the purpose of trying to show friction between the United States and Russia, and it is undoubtedly being read with disappointment by the leaders of the Russian Government.

How would we feel if a vast mass meeting was held in Moscow, or in London, and speeches were made denouncing the United States Government for executing the German spies who came here to blow up our factories a few months ago—especially if those speeches were published at the expense of the Russian or the British Government and sent broadcast over the land.

These men were Trotskyites. They belonged to that revolutionary group that has been trying to spread communism over this country, and according to the Russian Government, they were attempting to stir a revolution, and were circulating poisonous subversive literature among the soldiers in the Russian Army during the darkest hours of the siege of Stalingrad.

Think what a calamity would have been if they had succeeded and forced Russia out of the war.

Besides, this is Russia's affair, and it is none of our business how she handles it.

The fact that this mass meeting was held, and this revolutionary speech was made, denouncing these executions as a "black crime," and the fact that it was inserted in the Appendix of the RECORD, in the greatest deliberative body in the world, is likely to do the cause of the Allies more harm in this critical hour than adding 100,000 or probably 500,000 men to the strength of our enemies on the various fighting fronts.

As I said the other day, whether you like Stalin or not, whether you like Russia or not, we must all remember that Russia is our ally in this war, and that every time she engages the Germans on the Russian front she is moving one step closer to victory and saving the lives of thousands of American and British soldiers.

I hope the Senate will strike this speech from the RECORD, in order to reassure the Russian Government and the Russian people, as well as all the rest of our allies, that the Congress of the United States is not aiding, abetting, or condoning these attacks on one of our leading allies in this terrible struggle.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker I cannot refrain from replying to what the gentleman from Mississippi [Mr. RANKIN] just said. David Dubinsky is not a Communist. He has been one of the most earnest and effective opponents of communism in the whole American labor movement for years and years and years. Personally I think that discussion in the House of what happens in Russia as to the execution of these two men is not going to gain anything but in the interest of fairness I myself inserted the speech of Mr. William Green, president of the American Federation of Labor, delivered at that same meeting. I do not see how anyone can take exception to the temperate remarks which Mr. Green made in which he protested the execution of these two men who for years he says have been known as earnest leaders of the labor movement in Poland, who were not Communists in any sense or definition of that term, but whose public record for a long period of time has been a record in vigorous opposition to nazi-ism and Hitlerism, and all that those things stand for. These men were Poles, they were labor leaders, they were Jews. They were sought and pursued by the Gestapo. That they could have been guilty of trying to aid Hitler's cause appears to me utterly inconceivable.

The SPEAKER. The time of the gentleman from California has expired.

CALL OF THE HOUSE

Mr. COLE of Missouri. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Missouri makes the point of order that there is no quorum present. The Chair will count.

Mr. COLE of Missouri. [During count.] Mr. Speaker, I withdraw the point of no quorum.

Mr. HOFFMAN. Then I make it, Mr. Speaker.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present. The Chair will count. [After counting.] Evidently no quorum is present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 49]

Anderson, Calif.	Hartley	Pfeifer
Bates, Ky.	Holmes, Mass.	Plumley
Bates, Mass.	Horan	Pracht
Bell	Izac	Richards
Boykin	Johnson, Calvin D.	Robinson, Utah
Brooks	Kee	Rohrbough
Burdick	Keefe	Sabath
Byrne	Kerr	Scanlon
Cannon, Fla.	Knutson	Schiffler
Carson, Ohio	Lewis, Colo.	Short
Cooley	Luce	Smith, Maine
Cox	McGranery	Smith, Va.
Culkin	McKenzie	Somers, N. Y.
Cullen	Maas	Sparkman
Dawson	Mansfield, Tex.	Starnes, Ala.
Dickstein	Mason	Stevenson
Dingell	Monkiewicz	Thomason
Elliott	Morrison, La.	Tolan
Fogarty	Morrison, N. C.	Treadway
Gibson	Mott	Wadsworth
Gordon	Nichols	Weaver
Gore	O'Brien, Ill.	Wilson
Gorski	O'Hara	Winter
Guyer	O'Toole	
Hagen	Outland	
Hall, Leonard W.	Patman	

The SPEAKER. On this roll call, 352 Members have answered to their names, a quorum.

Mr. CANNON of Missouri. Mr. Speaker, I move to dispense with further proceedings, under the call.

The motion was agreed to.

SUPPLY AND DISTRIBUTION OF FARM LABOR

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Joint Resolution 96, making an appropriation to assist in providing a supply and distribution of farm labor for the calendar year 1943, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. CANNON of Missouri, Mr. WOODRUM of Virginia, Mr. LUDLOW, Mr. SNYDER, Mr. O'NEAL, Mr. RABAUT, Mr. JOHNSON of Oklahoma, Mr. TARVER, Mr. SHEPPARD, Mr. WENE, Mr. TABER, Mr. WIGGLESWORTH, Mr. LAMBERTSON, Mr. DITTER, Mr. DIRKSEN, Mr. PLUMLEY.

LEAVE TO SIT DURING SESSION OF HOUSE

Mr. ANDERSON of New Mexico. Mr. Speaker, I ask unanimous consent that the subcommittee of the Committee on Appropriations known as the Kerr committee, may have permission to sit during the session of the House today until 3 o'clock this afternoon.

The SPEAKER. Is there objection?

There was no objection.

Mr. MAY. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs may sit during the session of the House today until 3 o'clock this afternoon.

The SPEAKER. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. What is the committee considering?

Mr. MAY. We are considering a batch of bills relating to manpower and several other problems.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein an editorial appearing in The Tablet, a Catholic weekly of Brooklyn, N. Y., Saturday, April 3, 1943, entitled "Freedom for All."

The SPEAKER. Is there objection?

There was no objection.

AMENDING THE ANTI-RACKETEERING ACT

The SPEAKER. The unfinished business is further consideration of House Resolution 154.

Mr. COLMER. Mr. Speaker, I ask the gentleman from Michigan to yield some time.

Mr. MICHENER. Mr. Speaker, I yield 10 minutes to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, at the outset I suggest that while I am very happy to have such a fine crowd in attendance, I had nothing to do with bringing Members over here.

There were some good speeches made late yesterday evening explaining the background and the purposes of this bill.

Many Members undoubtedly were not here at that time, and I shall try in a few words to give them some idea of what I think this is about.

In 1934 Congress enacted a so-called Anti-Racketeering Act. It was designed to bring about Federal prosecution of people obtaining money or property by violence and threats of violence in connection with the movement of goods in interstate commerce. An exception was written into the law which provided it should not apply to a situation where there existed a bona fide relationship of employer and employee.

The celebrated 807 case in New York came on for decision by the Supreme Court. The case involved the conduct of individuals who stopped trucks going into the city of New York and in effect hijacked the drivers out of $8 or $9 per truck. The Supreme Court held that under the exception heretofore referred to by me, relative to the relationship of employer and employee, the prosecution would not lie in that case. I know a lot of good lawyers who violently disagree with that decision, and personally I disagree with it although I may be taking a lot on myself by undertaking to challenge a decision of the Supreme Court.

This bill seeks to supply the deficiency created by that decision. In a word, what this bill seeks to do is to superimpose Federal jurisdiction or Federal prosecution for robbery and extortion committed in connection with the movement of goods in interstate commerce. I say that is the objective, and as far as I have ever heard that is the sole objective of the bill. It is to stop the so-called hijacking and racketeering that has prevailed. That is why I am supporting the bill.

When the bill came on for consideration both before the Committee on the Judiciary and the Committee on Rules, representatives of labor assailed the bill. There is no reference to labor in the bill, but they assumed it was directed at them. They said the language in the bill was so broad as to reach the legitimate operations of organized labor. Personally I do not think the language was so broad, but I was one of those who joined with many others in taking this position. We said to those representatives of organized labor, "You say you are against hijacking and racketeering. We are all against hijacking and racketeering. If you thing this language is too broad, and since the proponents of this legislation, and I am one of them, are not trying to reach the legitimate operations of organized labor, but rather the racketeering, the robbery and extortion, why do you not draft and submit some language that will do the thing we all want to do, which is to stop racketeering, and at the same time will protect legitimate and lawful acts which you say you want to protect and that all of us want to protect."

At one time I had the view that if we just took the regular robbery and extortion statutes that prevail in the codes throughout the States and wrote them into this bill without adding any words, that might do the job and remove any uncertainty of interpretation. There did not seem to be much support for that sort of proposition, however.

I think that it was largely as the result of this insistence that labor ought to suggest something if they really wanted to prevent racketeering and also protest legitimate rights that they came forward with an amendment. Personally I think the amendment is all right. No one can challenge me as having failed at any time or under any circumstances to vote for measures that seemed to me to be necessary to curb labor excesses, to deal with racketeering, or to bring about equitable and fair relationships between employer and employee.

I think that perhaps on its side labor has seen some ghosts under the bed with respect to this measure, but assuming that, I do not also want to be seeing ghosts under the bed and oppose something which I think, after careful examination is fair and reasonable. I shall not oppose a fair and reasonable suggestion just because it has been advanced by organized labor.

We say in this bill that robbery and extortion shall be punished by Federal prosecution. That I am for, but certain labor people want to add a proviso which will say simply this: That conduct which is made legal by the specific acts of Congress, known as the Clayton Act, the Norris-LaGuardia Act, the Railway Mediation Act, and the National Labor Relations Act, shall not be considered as having been made illegal by the Hobbs bill.

Now, I take the position that there is nothing in any one of those four acts that any reasonable judge or lawyer could contend as legalizing robbery and extortion committed in one of these hijacking operations. Now, that being true, what is the effect of the amendment? The amendment simply preserves the objectives of the bill, which are to punish for robbery and extortion, and then excepts conduct that is specifically made legal by the Congress of the United States in those four acts. While I have stood for amendment of some of these acts, everyone admits that we are not trying in this bill to repeal or amend those acts of the Congress and we are not trying to make illegal conduct that is made legal under those acts.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I must yield to the gentleman from Michigan.

Mr. MICHENER. I agree with the gentleman. To sum this up, there are two amendments before the committee, or there will be before the House: One is the Celler amendment, for which the gentleman from Indiana is speaking, and the other is a committee amendment, which was advocated by Mr. Eastman. It is the contention of some of us that there is the difference between tweedledum and tweedle-dee. Either one accomplishes the purpose for which the gentleman from Indiana is speaking.

Mr. HALLECK. If I may proceed, I was about to come to that, and I will, if my time does not expire. I think the gentleman is correct.

I have checked my judgment with the judgments of some good legal minds. When you finally get down to it many of those who contend against putting in this proviso can only say, "Well, now, we cannot be too certain about what the Supreme Court will do when you add words."

My view of that is that we must legislate on the theory that the Court is going to interpret an act the way we write it and the way we intend that it be interpreted and applied.

If any court or any judge cannot see in these proceedings—cannot get a complete idea from what is going on here in the passage of this bill—that we intend that hijacking, extortion, and robbery in connection with movement of goods in interstate commerce be stopped, then I do not know what you can depend upon in the way of judicial interpretation.

Another thing: It has been suggested that the four acts named authorize violence, but I do not so understand. For instance, take the Norris-LaGuardia Act. It specifically provides that conduct of labor organizations is legalized only when it is peaceful, nonviolent, and free from fraud.

So I think that in the final analysis this amendment is clarifying. It does not, as some might say, rip the heart out of the bill. The objectives are still there. Some have suggested that the amendment is superfluous, and if the language is not broader than I think it is in the original Hobbs bill possibly it might be said that it is superfluous, but assuming that it is, if there are great bodies of people who feel that this language is necessary to protect their legitimate rights and their legitimate objects, then I say why object to putting the language in the bill? As the gentleman from Michigan [Mr. MICHENER] pointed out, there is what has been referred to as a committee amendment. This same sort of proviso, in substance and of same effect, was put on the second title of the bill, which has to do principally with rail transportation or with carrier operations.

On the so-called labor proposal as against the committee proposal the committee as I understand it by a close vote decided to make the proviso which was originally applicable only to title II also applicable to title I; that is, applying it to the whole act rather than to the second section.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. MICHENER. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. HALLECK. I may not use it. I just want to say in conclusion that as between the committee amendment and the so-called labor amendment, I think there is no substantial difference. My own view of it is that both amendments seek to exempt from the purview of the Hobbs Act the legitimate operations of the labor organizations as protected and provided for in the four acts to which I

have referred. On this basis I might say: "Let us take the committee amendment;" but again I say there are many people, most of whom are cooperating loyally in the war effort, who probably if their original views were followed, would not have wanted any of this legislation, but who have said that if we will put this amendment in—which I personally think is a clarifying amendment only, which does not interfere at all with the real objectives of the act—that they would go along. I think that is what we should do.

The SPEAKER. The time of the gentleman from Indiana has again expired.

Mr. MICHENER. Mr. Speaker, I yield the remainder of my time to the gentleman from New York [Mr. FISH].

The SPEAKER. The gentleman from New York [Mr. FISH] is recognized for 4 minutes.

COMMITTEE ON MILITARY AFFAIRS

Mr. MAY. Mr. Speaker, will the gentleman yield for a unanimous consent request?

Mr. FISH. I yield.

Mr. MAY. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs may have until midnight tonight to file a supplemental report on the bill, H. R. 1730, to amend paragraph (1) of section 5 (e) of the Selective Training and Service Act of 1940, as amended.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE ANTI-RACKETEERING ACT

Mr. FISH. Mr. Speaker, the bill before us has for its purpose, according to its title to protect trade and commerce against interference by violence, threats, coercion, or intimidation. No American citizen should object to such a proposal. There can be no real argument about legislating against robbery and extortion.

Mr. Speaker, this bill—the Hobbs anti-racketeering bill—should not be opposed by Members of Congress, because it merely applies to labor what is already applied to all other groups among the American people. Its purpose is to do away with extortion, robbery, and practices that should be unlawful that have been used in the past by some union organizations in New York City extorting or attempting to extort fees from helpless farmers before permitting them to drive their produce truck to market. I rise, however, to support the American Federation of Labor amendment. The labor organizations are fearful that there is something written into this bill that by inference or otherwise may take away some of their legislative rights and benefits, those hard-won rights that labor has secured during the last 30 years. I am confident there is no such provision or intent in the bill. If, however, a great organization with more than 4,000,000 members want an amendment of that kind why should we haggle between tweedle-dee and tweedle-dum, as stated by the gentleman from Michigan [Mr. MICHENER], between the amendment offered by the committee and the amendment suggested by the American Federation of Labor?

I should like to see the committee withdraw its amendment as they admit it is practically identical. If the American Federation of Labor amendment satisfies labor, why should we not adopt it? I feel some responsibility because as a member of the Rules Committee I repeatedly asked: "What is the objection of labor to this antiracketeering bill? Why do you not present an amendment that will safeguard your legal rights? And if you do I will be glad to support it and I believe Congress will also." That is what the American Federation of Labor has done in submitting their clarifying amendment. I hope the House will adopt the American Federation of Labor amendment by an overwhelming vote. It can do no harm, it is almost the same as the committee amendment, but it will satisfy that great, loyal, American labor organization, and for this reason I hope that when the House reaches it it will adopt the amendment proposed in good faith by the American Federation of Labor.

I want to refer likewise to some of the excessive penalties. The penalties in this bill in my opinion are too severe—20 years and $10,000 fine. When we reach this section of the bill there should be very careful consideration given to reducing both the extent of the imprisonment and fines. Let me refer also to title II, which reads:

SEC. 201. Any person or persons who shall, during the war in which the United States is now engaged knowingly and willfully, by physical force or intimidation by threats of physical force, obstruct or retard, or aid in obstructing or retarding, or attempt to obstruct or retard, the orderly transportation of persons or property in interstate or foreign commerce * * *.

Why should such a provision be carried in the bill when there has been no such attempt in the last 20 years? It is a reflection on the loyal railroad brotherhood employees, and many of them object to it. When we reach this section I propose to offer an amendment to strike out the language "or aid in obstructing or retarding, or attempt to obstruct or retard," which is not necessary or warranted. The main issue is as to whether we shall adopt the committee amendment or the American Federation of Labor amendment; and I hope the House in its sound judgment will vote for the latter and thereby take away from the greatest American labor organization any suspicion that this bill may be used to deprive American wage earners of the legal rights and benefits that they have obtained over the years for collective bargaining, to strike, to peaceful picketing, and others of importance to them.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. COLMER. Mr. Speaker, I yield the remainder of my time to the author of the bill, the gentleman from Alabama [Mr. HOBBS].

The SPEAKER. The gentleman from Alabama [Mr. HOBBS] is recognized for 12 minutes.

Mr. HOBBS. Mr. Speaker, yesterday afternoon's Star carried a story which is inaccurate and which so far as my mind, my heart, and my statements are concerned is not in accordance with the facts. I know that reporters going around and gaining bits of information here and there, when they sit down to their typewriters to write their stories sometimes put words into the mouths of those they are ostensibly quoting that were not uttered. I am not saying that the gentleman who wrote this article did anything of that kind intentionally, but I am saying that nothing could be further from the truth so far as I am concerned and so far as I believe the facts to be. The article states, for instance:

The legislation was originally slated for a vote yesterday, but priority was given by House leaders to two appropriation bills.

That is not so, exactly. The consideration of the Hobbs bill was tentatively slated for yesterday, but its place on the agenda was always fixed and understood to be subordinate to the two appropriation bills.

It has always been told me, and I think, told the House, that the order in which these bills were to be brought up was that after disposition of the two appropriation bills this bill would be called up for consideration, and that is exactly what has been done.

May I say that so far as the leadership of this House on both sides is concerned, and so far as the membership of the House is concerned, there has been no disposition so far as I can learn to do anything but to live up to the promises or statements that were made as to the agenda.

To quote me as saying that there was an apparent inclination to delay the bringing of this bill to the floor is not so in the slightest degree. Suggestions or questions have been made, but I never shared those views.

Then it says I made a remark about Mr. Tobin of the Teamsters Union to the effect that he cautioned against haste in labor legislation. If so, I never knew it. I think Mr. Tobin is a high-class American gentleman. I do not believe that he made any such remark with reference to this bill. I do not know that he did, except from what I see in this paper. If he did, I do not believe he had any reference to this bill. I believe the leadership of the House has been absolutely fair with me and everybody else and that the program of the House is in accord with the previous statements of the majority leader.

Mr. McCORMACK. Will the gentleman yield?

Mr. HOBBS. I am always glad to yield to the gentleman from Massachusetts.

Mr. McCORMACK. I did not see the news item referred to. The gentleman made some reference to it outside a few minutes ago. Of course, mistakes are made. Reporters are human beings like all of us. May I suggest to the gentleman that he not give it any more consideration because even if I had read it I would understand thoroughly that a mistake was made. The gentleman himself in no way even intimated anything which would justify such a news item.

Mr. HOBBS. The gentleman has been exceedingly fair, kind, and helpful in trying to bring this bill to the floor. I am grateful. The same thing applies to

the whole leadership and membership of the House.

The last two speakers who have spoken in aid of the Celler amendment are sincere, honest men; but I respectfully submit that issue will come up in due and orderly course at the time that the amendments are considered. I do not believe that their consideration has any place in the debate on the rule, and this is said without any criticism at all of the distinguished gentleman who made such speeches. I am simply saying that, to explain why I do not answer at this time. There is a perfectly good and sufficient answer.

There is no material difference apparent at a first reading between the committee amendment and the A. F. of L. amendment, but if you want to emasculate this bill there is no surer way to do it than to adopt the Celler amendment, and I will address myself very pointedly to that proposition and pull the mask off of this tricky amendment when it is offered.

Mr. HALLECK. Will the gentleman yield?

Mr. HOBBS. Of course, I yield to the gentleman from Indiana.

Mr. HALLECK. Do I understand from the gentleman's statement that an honest interpretation of this act if it becomes the law of the land is not to be expected?

Mr. HOBBS. No, sir. I said that these two amendments, seem on their faces to be without material difference.

Mr. WRIGHT. Will the gentleman yield?

Mr. HOBBS. I was going to explain why I am not going into that point at this time. I did not say that we might expect an interpretation which would be other than honest. But I differ with the gentleman in regard to the Supreme Court. I am not talking about what may happen in the future. I am talking about what has already happened and the decision of the Supreme Court in the Local 807 case, which the gentleman made reference to, has already decided that no matter how much violence a union man might use in seeking employment, he could not be punished under the 1934 Anti-Racketeering Act. If he commits murder, or if he commits assault with a weapon, it is all right under the antiracketeering law. In accordance with the majority opinion of the Supreme Court, which is the law of the land today, whether you agree with it or not, that is stare decisis.

Mr. HALLECK. In view of the fact that question has been brought up by the gentleman, is it not true that that decision of the Supreme Court in the 807 case hinged upon the exception written into the act in reference to the bona fide relationship of employer with employee, and is it not also true that if this act becomes the law those words will be repealed, which will mean that the words upon which that decision depended will no longer be in the law?

Mr. HOBBS. No. I do not so construe the opinion and I do not think that is the fact. If I read that opinion correctly, and I have read it a hundred times, so have you, I guess, the opinion is based on both of the exceptions. If you will read the opinion it says what the test that should be applied to all conduct of this kind must be and it includes both of the exceptions, the latter one of which is substantially in blanket form what is detailed in the committee amendment and what is also detailed in the A. F. of L. amendment.

Mr. WRIGHT. Will the gentleman yield?

Mr. HOBBS. I yield to the gentleman but may I say I cannot yield any further because I want to get to a factual presentation.

Mr. WRIGHT. I want to know how the gentleman can argue that both of these amendments are substantially the same, then say in the next breath that the Celler amendment emasculates the act and at least infer that the other one does not.

Mr. HOBBS. I never said that. I said they seemed so at first reading. I submit that there is within the essence of the Celler amendment a phrase which seems to be in accord with our wishes as to stamping out the racket, but which does not result in that. It permits robbery or extortion because it does not deal truly with the status. It says that no acts, conduct, or activity which are lawful under the four laws therein cited should constitute guilt under this law. And it implies that this is to be taken as true, no matter how unlawfully any of those lawful acts may be done. The four laws cited in the Celler amendment require the lawful acts in them enumerated to be done in a peaceful, lawful way. The Celler amendment, quite cleverly, omits any such requirement.

It gets away from the laws and does not give that safeguard, and in the light of the majority opinion in the 807 case implies that no matter how these lawful acts are done—they may be done ever so unlawfully in a given instance, such as robbery—the perpetrator would still be innocent under this act.

Mr. WRIGHT. If the acts are not peaceful, if they are not lawful, I cannot quite follow the gentleman's reasoning.

Mr. HOBBS. That is all right. As I say, I want to discuss that when the amendment is offered. But I am telling you that it does not make a bit of difference how unlawfully lawful acts are done, the perpetrator would be acquitted if the law contained the Celler amendment.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. I am always happy to yield to the distinguished gentleman from Mississippi.

Mr. COLMER. Will the gentleman explain how one can do an act lawfully and at the same time do it unlawfully?

Mr. HOBBS. Of course, the question as framed contains a contradiction in terms. No one can do an act lawfully and unlawfully at the same time. But no such case is presented by the Celler amendment or its underlying meaning. There we have a lawful act done unlawfully. Let me illustrate. Suppose one is engaged in the perfectly lawful practice of striking. On strike for months. But for that fact he would have been at work. But he is at home and sees a young girl coming into his home looking for his absent wife, and he rapes her. Of course, that is reductio ad absurdum. I do not mean to say that that is not far-fetched. But I am saying that is the effect of the construction put upon robbery committed while engaged in otherwise lawful conduct by the Supreme Court decision. No matter how much force is used, robbery is a perfectly innocent pastime, as Chief Justice Stone said, if the perpetrator be a labor-union member seeking employment.

The SPEAKER. All time has expired.

The question is on the resolution.

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 181, noes 2.

The resolution was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. HOFFMAN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state the grounds of his question of personal privilege.

Mr. HOFFMAN. Mr. Speaker, in Walter Winchell's column, On Broadway, which appeared in an issue of the New York Sunday Mirror under the heading of "Notes of an innocent bystander," the following statement was made:

> The Story Tellers. * * * Look takes off the wraps and calls people by name in its article on "Hitler's American stooges." Two of the alleged stooges are mentioned.
>
> I shall name only one, Representative CLARE HOFFMAN, of Michigan.

That charge calls in question the loyalty, the patriotism, and the integrity of the Member from the Fourth District of Michigan and reflects upon him in his official, representative capacity, and raises the question of personal privilege.

The SPEAKER. The Chair thinks the gentleman states a question of personal privilege.

Mr. HOFFMAN. Mr. Speaker, the best defense against a false charge is always a driving, direct inquiry into what is back of it. There are two things that are back of this charge. A similar charge has been made against many Members of Congress. That is the only reason the question is raised here.

Mr. RANKIN. What charge? The House could not understand what the gentleman read.

Mr. HOFFMAN. The charge that I am a stooge of Hitler. The gentleman was listed in another publication as being the same thing, as were 96 Members of Congress, so let not anyone think he is not interested in this thing. You may not be now, but you will be when the 1944 campaign comes on and this smear-purge movement gets going again.

One group that gives currency to this sort of a charge is that which believes that we ought to substitute for our Declaration of Independence a declaration of interdependence; that we ought to give away everything we have, no matter if it leaves us in a condition where we cannot help any nation or any people. Give it away, anyway. That seems

to be the plan. That same group advocates the hauling down of the American flag and the substitution of an international flag. I shall say little about that group.

The other day on the floor of the House when the gentleman from Louisiana was speaking a Member from Connecticut arose, and she said:

Is it the gentleman's contention that now, having isolated ourselves from the rest of the world, we should proceed to isolate ourselves from South America and to have no contact with the hemisphere culturally, economically, or spiritually?

There is a false premise in that statement. We have not isolated ourselves from the rest of the world. If that Member from Connecticut believes we have, I should like to have her go out in my country some day; I should like to have her stand on the hillside, and, as the lights in the valley go out and the farmhouses become dark, I should like to have her go into that home and see what the farmer and his wife are doing. They are down on their knees—doing what? They are down on their knees by the side of their beds praying for the boy who is gone, who may or may not be alive. They are asking God's mercy for the one who has gone, for the one who is to go. In the morning when the farmer goes out to the fields and the housewife goes about her duties, what are they doing? They are thinking of the empty chair that was there at the breakfast table in the morning. Yet the Member from Connecticut would say that we have isolated ourselves. Our blood, our flesh, our hearts, our minds are all over the world with the boys who are doing the fighting, giving their lives.

The future of our boys, the sons and the brothers—yes, and in some instances, the fathers—all are being offered on the sacrificial altar. It may be that under the stress and the strain, the famine and the pestilence that follow a war as all-embracing as this one, the light of civilization itself will go out and the world again endure the trials and the tribulations of the dark ages.

We are giving billions of dollars' worth of food, of munitions of war of all kinds. We are sending farm machinery needed by our own people to foreign lands. We are dismantling factories and sending them to South America and to Russia, and just the other day we were advised by Mr. Morgenthau, Secretary of the Treasury, that we should give to an international bank $2,000,000,000 in gold.

It is not only possible, it is probable, that under the New Deal planning, all that gold in the hills of Kentucky will be used for a like purpose.

If the Member from Connecticut, and those who believe as does she, think that we have isolated ourselves from all the world, then she knows not the minds nor the thoughts of our people. There is an old saying that where your treasure is, there shall your heart be also. The thing that is dearest to us and all the world is the welfare, the future, of those who go to fight.

There is one group that charges those who did not want war, who realized the magnitude of this war, and what it is going to cost, not in treasure, not in property, but in American youth, to be gone forever—a million or more of them, when the war is over—that is one group I say that charges us who realized what was coming to this country, and what is happening now, with being Hitler stooges.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. RANKIN. I wonder if that is the same man who is haranguing all of the time, denouncing the Russian Government for executing those two spies, and in that way stirring trouble between us and the Russian Government at a time when the Russian Army is keeping the German Army off our boys in North Africa?

Mr. HOFFMAN. There is another group which makes the same charges. They were busy during all the last campaign, and they will be busy again when another election rolls around. That group went out into the Fourth Congressional District of Michigan and circulated—and they violated two State laws when they put them out—pamphlets which they put in every home in some of those counties. One was a circular of 12 pages, illustrated, and the sum and substance of it was that one Republican for the nomination in that Fourth District was a Hitler stooge, and was not a loyal citizen. In addition to that, and before the general election, they put out in that district, as they did in many other districts throughout the United States, a 6-page circular, characterizing the Members of Congress who did not favor going into this war before we were prepared for it as "Congressmen Agin It." I say that was put out not only in Michigan, but it was put out in other States, and let me read you some of it:

The CONGRESSIONAL RECORD is full of sly little pats on the back that Congressman "Agin It" gave to Hitler.

They were writing about Members of Congress other than, as well as, the Member from the Fourth Congressional District of Michigan. Hundreds of thousands of those circulars were put out in the various States of the Union.

The C. I. O. during the campaign advocated the publication and circulation of similar false statements charging candidates for Congress with disloyalty. Listen to this statement from the six-page circular:

Congressman "Agin It" couldn't have done more harm to America if he had been on the Axis pay roll.

Here is another:

Congressman "Agin It" boasted that America is not a united people but a divided Nation.

Another:

Mostly Congressman "Agin It" is a Republican, but Michigan has a couple of Democrats who fit the shroud. They thought they could cater to more votes by lining up with the back stabbers.

Let me read again:

In justice to Congressman "Agin It" the record shows he wasn't always against everything. No, sir. He favored pensions for Congressmen until the people applied the heat and then he weaseled out of that mistake. And he was strong for Congressman MARTIN DIES, the big bust from Texas, whose record for mistakes has made even the arch conservatives toss him overboard.

Here is another:

He—

Congressman "Agin It"—

had nightmares about the departments of Government being honeycombed with Communists.

On the last page of that circular are these statements:

For our own survival, it is time that we voters of Michigan send Congressman "Agin It" back to private life.

You would know what to do if you got a cablegram like this from Berlin:

"AMERICAN VOTER,

"Michigan, United States of America:

"It is my command that you vote for Congressman 'Agin It.' He has helped the Fatherland by keeping America weak. This is my order.

"ADOLPH HITLER."

Hitler would send that wire if he could get it delivered, and you know how he would vote.

If you are not on Hitler's side, then make sure Congressman "Agin It" has cast his last "no" vote against you, your family, and your home by retiring him to private life.

C. I. O., 803 Hofmann Building,
Detroit, Mich.

Just why was the C. I. O. which time and time again by slowdowns, by work stoppages, and by strikes has held up the production of essential war material—needed by the Army and by the Navy—campaigning against Congressmen? The reason is not far to seek. Those Congressmen it opposed, or the majority of them, were against the racketeering carried on by a few labor racketeers and Communists who had sought refuge and found a harbor in the C. I. O. organization.

The rank and file of the C. I. O. never had—they have not now and they never will have—any use for their subversive racketeering leaders. That fact was demonstrated at the last national election when the rank and file of labor, recognizing their real friends, sent back to Congress many a candidate opposed by their own leaders.

Trying to whip their members into line, the C. I. O. endeavored to make its members believe that the candidates they opposed were against labor. Note this statement from the pamphlet from which other excerpts have just been read:

The CONGRESSIONAL RECORD is full of sly little pats on the back that Congressman "Agin It" gave to Hitler. "There was a fellow who got things done," Congressman "Agin It" said. Over in Germany they showed the people what was what. No fooling around with 40-hour workweeks. No monkey business about free enterprise for farmers. No, sir. Probably worked the slaves twice that long and they had to like it.

The group to which I refer is the second group—the labor racketeers, the labor politicians, who place self-interest above the interests of the union members, and the would-be racketeers.

When this bill comes on for amendment and for a vote you may find some

here in Congress, honest and conscientious, who are against the Hobbs bill because they have been led to believe that it might, by some wrongful construction, injuriously affect proper union activities. It may be there are others who wish to compromise and so fail to do the things which we know the people want us to do.

The people want us to put an end to racketeering, to union raiding, to jurisdictional strikes, to secondary boycotts, to sympathetic strikes; and they will never be satisfied, nor will union men be satisfied, until labor has cleaned house or Congress has cleaned house for it.

This Congress has had two experiences with an outraged public opinion in recent years. Congress passed a so-called pension for Congressmen bill, and inside of 30 days we had to eat it, and we ate it cheerfully, and many tried to get down in the Well of the House and be the first to take a bite out of it. Then along came this so-called pay-as-you-go or pay-as-you-earn plan, and we turned it down, and ever since the leadership on both sides has been trying to rectify that error that was made when the House refused to do anything.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. McCORMACK. The gentleman's statement so far as I am concerned is absolutely without foundation, and the gentleman should not make statements that are inconsistent with the facts. When the gentleman says that I have changed my position and tries to carry out that impression——

Mr. HOFFMAN. Oh, do not be so long about it. I will withdraw anything the gentleman does not like.

Mr. McCORMACK. It is not a question of what I do not like.

Mr. HOFFMAN. All right. I refuse to yield any more.

Mr. McCORMACK. Of course, that is all right, and that is usually the refuge of the gentleman.

Mr. HOFFMAN. Go on and talk all the gentleman desires. At no time in the Well of this House, on the floor of this House, or outside of the Congress have I ever challenged the ability, the judgment, or the integrity of any Member of the House. I never did that and I never will. I claim it is my right to express my opinion anywhere on any subject, and naturally I concede to every other Member of the House the same privilege, the same prerogative.

Mr. RABAUT. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. No. If I remember what I said to the gentleman, I did not say anything about him personally, but I spoke about the leadership. What I said, if I recall it correctly was this, that since we voted on the tax bill, the membership on both sides has been trying to get out another tax bill and rectify the error we made. That is what I intended to say, and what I think I did say, and if I am wrong and if I misunderstood the gentleman from Massachusetts and he is not in favor of bringing out tax legislation now, that is, some sort of a pay-as-you-go plan, I stand corrected.

Mr. McCORMACK. The gentleman's latter statement is all right. I have no objection to that, but the gentleman's first statement was based on an incorrect premise.

Mr. HOFFMAN. Very well. What was there incorrect about it?

Mr. McCORMACK. The gentleman can read the RECORD.

Mr. HOFFMAN. All right. We will read the record and read the stenographer's minutes. When you read them as printed in the RECORD you will learn I correctly stated the gentleman's position.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. RANKIN. The gentleman spoke about the C. I. O. attacking Members of Congress and accusing them of voting against the draft. I was one of the men who voted for the draft, and I was one of the men who stayed here and voted when it passed by only one vote, because I saw the danger. If I understand it, that is the same C. I. O. of which this man David Dubinsky is one of the leaders——

Mr. HOFFMAN. I do not yield any further, Mr. Speaker.

Mr. RANKIN. Who a few nights ago in New York denounced Russia for doing to some revolutionists just what the United States had done to some traitors we have caught here.

Mr. SADOWSKI. Will the gentleman yield on that tax-bill question?

Mr. HOFFMAN. I do not yield for a few minutes.

The SPEAKER. The gentleman refuses to yield.

Mr. HOFFMAN. You heard the gentleman from Alabama this morning speak about this bill. You heard the gentleman from Indiana [Mr. HALLECK] talk on the same measure. Now, it seems we want to stop racketeering. We want to stop extortion and robbery. Those are the two things named in the Hobbs bill. Why is it necessary for the House to take any action? It is necessary, as the gentleman from Alabama and the gentleman from Indiana said, because the Supreme Court not long ago decided that the antiracketeering statute we passed in 1934 did not reach union activities. Read the Hobbs bill. I propose to show, if I have time, that it does not prevent practices that the people want legislation against. This is the reason: In the last paragraph of the Hobbs bill you will find a provision that that bill does not modify, repeal, or affect four statutes.

Mr. EBERHARTER. Mr. Speaker, a point of order. I submit the gentleman is not speaking on a question of personal privilege when he is discussing a measure which is to come before the House for consideration.

Mr. HOFFMAN. I would like to be heard on that, Mr. Speaker.

The SPEAKER. The Chair will ask the gentleman from Michigan to proceed in order, and under the rule he must limit himself to a discussion of the charges made in his question for personal privilege. The gentleman will proceed in order.

Mr. HOFFMAN. I understand the rule. You will recall I said there were two groups back of this charge. One was the international warmongers and the other the labor unions. I am proceeding to show why—not labor unions, not members of the American labor unions, but the leadership, the politicians in the unions, try to smear those who oppose their unlawful actions with the charge of being Hitler stooges. Just as Willkie does not represent the Republicans, so some of these fellows do not represent the workers. There is no doubt about that. The last election demonstrated that fact. I am now just trying to show you one of the backgrounds of this charge—why it is made.

There will be offered to the Hobbs bill a new title 3, providing that nothing in this act shall be construed to repeal, modify, or affect four other acts. One is the N. L. R. A., another is the Norris-LaGuardia; another is the so-called Railway Act, and the fourth is the Anti-Trust Act.

By adopting that amendment, we will afford to the lawyers who defend some of those who later may be charged with a violation of the Hobbs Act, the argument that, by this proviso exempting those four laws, we condoned, we approved of certain union activities which are by many citizens regarded as unlawful, but which by the courts have been construed as not being prohibited by the acts just named.

It is a cardinal principle of the law, that a law when adopted in another State, or when being construed, if it be a State law, by a Federal court, carries with it all reasonable constructions placed upon it by the courts of the State of its origin. Likewise, when we exempt from the operation of this law, all those who proceed under any one of the four acts just named, it will be argued that we also approved of the construction which has been placed on those acts by the courts.

Let me show you how union raiding, a practice which deprives union men of their right to choose an agent for collective bargaining is legalized by the N. L. R. A. Prior to 1938, out on the west coast, the American Federation of Labor had many unions. Under the Wagner Act the C. I. O. went there and called for an election. Their petition was granted. They had a vote, the election district extending from the Canadian border down to Mexico. The C. I. O. won, and it was held, and the Supreme Court upheld the finding, that the A. F. of L. men must get out of their unions and go over to the C. I. O.

On January 2, 1940, the United States Supreme Court handed down that decision—308 United States Reports, page 531—in which, among other things, it was said:

> The effect of the certification, as petitioner alleges is the inclusion in a single unit, for bargaining purposes, of all of the longshore employees of the members of the employer associations doing business at the west coast ports of the United States, and to designate the Congress of Industrial Organizations affiliate as their bargaining representative so

that in the case of some particular employers, their workers who are not organized or represented by the Congress of Industrial Organizations affiliate have been deprived of opportunity to secure bargaining representatives of their own choice.

In the decision of the United States Court of Appeals for the District of Columbia, which was handed down on February 27, 1939 (103 Fed. (2d) 933) and which was affirmed by the United States Supreme Court, as just stated, the court said:

Petitioner's grievance grows out of the fact that in ascertaining the appropriate representative of the men the Board ignored the identity of separate employers or of separate ports and extended the employer unit to include the entire Pacific coast, with the result that the rival union was designated and certified as the sole representative—in consequence of which its own union was "put out of business" and its members obliged to become members of its rival and deal with the employer either exclusively through it or not at all. In short, that by reason of the Board's decision to enlarge the unit to embrace about 25 separate ports and the acceptance of its decision by the employers, a situation has arisen as the result of which a so-called closed-shop contract may be entered into which will require petitioner's members, even where they predominate in a particular locality or business, to join the other union or possibly be displaced from their employment by members of that union.

The lower court further said:

Petitioner had no control of the employer, and here the petition shows that the employer, acting within the spirit as well as the letter of the act, promptly obeyed the Board's decision and entered into a contract in accordance with its terms. So that what happened was precisely what in a proper case the act designed should happen, but, as we have seen, with the result that petitioner, in the localities in which its members constituted a majority, was—if the Board's decision as to the representative unit is valid—deprived of the very thing which petitioner insists it was the purpose of Congress to secure and protect.

In affirming this case, the United States Supreme Court said that, under the law, that is, the N. L. R. A., the A. F. of L. must address its plea for justice to the Congress.

Today, by writing into this law the committee amendment that it shall in no way repeal, modify, or affect the N. L. R. A., we sanction and approve of the trouble-breeding situation and actions referred to in the two decisions just cited.

Last week, over before the Truman committee, as you may remember, Mr. Green and Mr. Murray testified. Things have switched. The shoe is now on the other foot. Sixty A. F. of L. men had obtained a union contract for a closed shop. The C. I. O. insisted that 20,000 men who became employees later should be given a chance to join the C. I. O. and select their own bargaining agent.

Here is testimony given before the Truman committee on the 24th day of March last—Mr. Green speaking:

But another form of jurisdictional dispute has become intensely aggravated in recent months. This is what we call union raiding. There is the term. Halt it. I have used the term "must" in here. It ought to be. There is no question of wages there, of the right to belong to a union, to join a union, or the recognition of a union by the management. There is no issue of that kind, but it is because one union is in and another union wants to put it out and get in. That is the reason why.

Senator BALL. Isn't the real issue in that, Mr. Green, how the union got in in the first place? Wasn't that contract for a yard which generally actually employs 40,000 people signed when you only had some sixty-odd employees?

Mr. GREEN. My dear sir, that union contract was negotiated just the same as all other union contracts are negotiated by the American Federation of Labor. It is nothing new. It is the same way. When a plant begins operations the management wants to avoid strikes, and it doesn't want any trouble. So, it enters into a contract with a union. That is entered into at a fixed scale.

Senator BALL. Do you think that is justice to the 20,000 men who are going to be employed? They weren't members of the A. F. of L. They weren't asked about the contract. Do you think it is justice to them to tie them up to a hard and fast union contract when they only had 60 there at the beginning?

Mr. GREEN. Yes; because when they accept employment at that plant they do so with the clear understanding that there is a union there, that there is a closed shop there. They can decide whether they will accept employment or whether they will not. They are not forced to go there. They are not forced to work. They decide of their own free will that they will go in and join the union.

Then there is a form of what some would call extortion. When Mr. Green was testifying Senator BREWSTER said:

You just listen to me for a minute. I am taking the floor now. We went into Camp Blanding and we found a little carpenters' union with 250 members. Everybody employed on the Camp Blanding job had to join the union. As you are saying, they could pay the $50 fee in 10 installments. They could do that after they joined. We even found that there was provision by the Government that the business agent stood right beside the pay counter so that as the man got his weekly wages he paid his installments there. If he didn't, he was fired on the spot. We further found the interesting fact that in 5 months of work there were 18,000 different people employed, although there were only five to six thousand working at any time. In other words, within 1 or 2 or 3 weeks of the time that the man completed his $50 payment at $10 a week, he got fired and somebody else came in and took the job. That is the kind of thing which has very seriously aroused questioning in the minds of people of this country about what advantages were being taken of this crisis not for organization but for the unfortunate profits of some individuals or organizations employed.

Mr. GREEN. I don't know the case that you refer to.

Senator BREWSTER. In your position you ought to know it, Mr. Green, and you assured us after it was over that you would see that it didn't recur. I don't know whether it has or not.

Mr. GREEN. I say I don't know why that is done because that is not in accordance with the policy of the American Federation of Labor.

Senator BREWSTER. I can multiply that many times.

So union leadership, union politicians, want in all of these laws a proviso preventing the application of the law to them. They want to continue that raiding, although they have agreed that it is not right, and some of them continue to practice extortion.

This bill does not reach that practice because it provides that it shall in no way modify the N. L. R. A., under which it is carried on. The Court may say that we not only left the N. L. R. A. but the Court decisions construing it.

Down here in Washington a case was decided on December 27, 1939, the Zirkin case. There were 11 union workers. Nine of them wanted to belong to one union and the 2 others belonged to another. So the 2 and their friends picketed the place of business. That was a union activity that will be sanctioned under the Hobbs Act.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield at that point?

Mr. HOFFMAN. I think not.

Here is what the Supreme Court said. Keep this in mind, because that is one of the groups that says I am a stooge. Why? Because I oppose the things they have been doing.

Here is the decision of the Court in the Zirkin case:

It is clear further that in such a situation there is no remedy for the employer under the National Labor Relations Act. That act makes no provision for invocation of the election and certification powers of the Board by an employer. The result is an inequality before the law as between an employer and employees in this particular, namely, that while the employer has a substantive right to carry on his business, he lacks a legal remedy for protecting the same against injury through the struggle of competing unions, even though he be indifferent as to the choice of his employees between them.

Under the National Labor Relations Act, which is exempted from any provision of this antiracketeering bill, you can go on and destroy here in the city of Washington or anywhere else an employer's business. You can also force union men out of one union and into another and compel them to pay the second union. Is that extortion? One step further, and here is a case from the United States Supreme Court, the Negro Alliance against Grocers' Association. Here was a group of Negroes in the city of Washington, and they wanted some grocer to employ more of their race as clerks. There was no contract relation between the Alliance and the grocer. No members of the Alliance were employees of the grocer.

Mr. EBERHARTER. Mr. Speaker, a point of order. I submit the gentleman is not confining his remarks to a question of personal privilege when he is discussing a case decided by the United States Supreme Court. If the gentleman wants to filibuster against having labor legislation come before the House, he should continue in the manner he is, but I submit he should adhere to the rules of the House.

The SPEAKER. The gentleman from Michigan must observe the rules of the House and limit himself to a discussion of the charges made against him.

Mr. HOFFMAN. That is what I am trying to do. I hold here in my hand two pamphlets, one with 12 pages and the other with 6, put out by these labor unions. It is a strange situation if I cannot defend myself against charges made by these organizations or their political leaders, and, if I cannot back up my statements by United States Supreme

Court decisions, you will have to take my word for it. I want to state the original authority. I want to show to you that sometimes the views I express are in line with Supreme Court decisions.

Now, what happened here was that this Negro organization insisted that this grocer give employment to more Negroes. They picketed the place of business and the United States Supreme Court said they could do it because there was what? A labor dispute under the Norris-LaGuardia Act, which is another act referred to as not being modified in any way by this Hobbs bill.

Here is the point: When you pass a law, the courts afterward in construing that law always go back to any previous decisions which have been decided in another State which has the same law in effect. If the Federal court passes upon a State statute they take into consideration the decisions of the State courts; and so here the court in passing upon acts which may hereafter occur will beyond question take into consideration the decisions of the Federal courts in construing those laws under which the acts are charged to be an offense. The Federal courts having held up to this time that the things to which I have referred, for instance, raiding, and picketing, and destroying the business of a private citizen are all legal insofar as any provision of any of these three acts, the Clayton or Antitrust Act, the Norris-LaGuardia Act, and the National Labor Relations Act are concerned, that therefore, they are not precluded by this act. That is not all.

Here is another one. The case of the milk drivers over in Chicago. Let me read you something that they did over there and show you that it is legal insofar as any Federal legislation goes. I am reading from the opinion of the circuit court of appeals:

It also appears from the evidence before the master that certain of the cut-rate milk stores that handled the products of the plaintiff dairies were picketed by members of the defendant union; that such picketing was usually indulged in for a number of days, during which time said pickets sought to induce the offending storekeepers to discontinue the purchase of such milk from the plaintiff dairies; that in several instances where their efforts were unsuccessful said pickets were withdrawn and within a few days thereafter, usually during the night, the store of the storekeeper (some of whom were poor women struggling to make a living) was either bombed or bricks were thrown through the plate-glass windows of such stores, or other acts of violence were committed. To request the master to conclude and find, in the absence of proof of the identity of the guilty culprits, that there was no connection between such acts of violence and the defendant union, or some of its members, is to overtax the credulity of the master.

The master cannot condone or too severely condemn the resort to such malicious and cowardly conduct in support of any cause. Such lawless conduct has no place under our form of government and the few lawless, radical union leaders or members who resort thereto are not only a blight upon the righteous cause of honest labor but reflect discredit upon our country and upon our American civilization as well.

The purpose of those acts was to extort money from the milk dealers and their employees.

That case went to the United States Supreme Court. The circuit court of appeals ordered an injunction, said that kind of conduct was not lawful. The United States Court, the Supreme Court of the United States, in November 1940—311 U. S. 91—said that so far as Federal statutes went it was all right; it was all right. Why? Because under the Norris-LaGuardia Act there was a labor dispute. And the plaintiff had not shown that the Chicago police would not give protection, and the violence and threats had been continuing for weeks. Do you see the point? Now where do you get a labor dispute? Must there be one? I mean under the Norris-LaGuardia Act between an employer and an employee? Not at all. You do not even know me. But I insist that you employ A. You do not know him. I, with my friends, picket your place of business. Under the Norris-LaGuardia Act, which this bill says shall not be modified, there is a labor dispute.

Here is the beauty-parlor case from Illinois. That went up; the same question was involved. The same result reached. I go one step further; here is the Maggie O'Neal case, a widow out on the west coast. She owned a couple of apartment buildings; she had no employees; her children did the work. Along came the union and said that Maggie, an employer—now think of it—not an employee, an employer, must join the union and her children must join the union and pay fees. Maggie did not want to join. Her children did not wish to join. Yet Maggie must join and pay or submit to picketing. Was that extortion?

March 24, before the Truman committee, William Green, upon the stand, said that they had 6,000,000 members who paid a dollar a month—$6,000,000 a month; and Phil Murray claimed 5,000,000 members—6 and 5 give $11,000,000 a month—$132,000,000 a year. Those who are working on the tax bill might look at this source of income—look at that income if they want to collect more revenue. And how many of the 11,000,000 were forced by fear of violence to join and continue to be members? How much of the $132,000,000 a year is extorted from union members? But the committee amendment says that the law and decisions which sanction that practice must not be modified.

And so the courts have held under the Norris-LaGuardia Act as it stands that a citizen who has no paid employees can be forced to join a union, that the children who want to help a mother in caring for the apartment out of which she makes a living can be forced into the union along with the mother. Do you want to sanction that kind of legislation? Do you want to do anything to stop activities such as are shown in the papers here just a few days ago: "Strikers tie up food for Army and Navy." Do you want to stop it? Are you a stooge of Hitler because you insist that the food should get to our soldiers in the camps, to the men who are going across; that the food should be shipped across? Are you a stooge because you insist that citizens should be permitted to work without being required to stand and deliver?

The last part of the last section of this bill states that nothing in this section shall be construed to repeal, modify, or affect any of those four acts, and under those four acts you have extortion, you have robbery, you have violence of all kinds, you have the destruction of a citizen's business.

Now, take the last case, the one referred to by the gentleman from Alabama and the gentleman from Indiana. This Congress in 1934 passed an act which Congress thought prohibited racketeering.

Section 2 of that act, among other things, provided:

Any person who, in connection with or in relation to any act in any way or in any degree affecting trade or commerce or any article or commodity moving or about to move in trade or commerce—

(a) Obtains or attempts to obtain, by the use of or attempt to use or threat to use force, violence, or coercion, the payment of money or other valuable considerations, or the purchase or rental of property or protective services, not including, however, the payment of wages by a bona fide employer to a bona fide employee.

But the Supreme Court, on March 2, 1942, held that because of the words "not including, however, the payment of wages by a bona fide employer to a bona fide employee," the practice of extortion by union teamsters against truck drivers seeking to enter the city of New York was not racketeering.

The Court reached that conclusion as to the intent of Congress by reading a report written by Senator Copeland in which he said that the act was 1 of 11 which had been enacted "to close gaps in existing Federal laws and to render more difficult the activities of predatory criminal gangs of the Kelly and Dillinger types."

In the opinion, it is further said:

We have expressed our belief that Congress intended to leave unaffected the ordinary activities of labor unions. The proviso in section 6 safeguarding the rights of bona fide labor organizations in lawfully carrying out the legitimate objects thereof, although obscure indeed, strengthens us somewhat in that opinion. The test must, therefore, be whether the particular activity was among or is akin to labor-union activities with which Congress must be taken to have been familiar when this measure was enacted. Accepting payments even where services are refused is such an activity. The circuit court has referred to the "stand-by" orchestra device by which a union local requires that its members be substituted for visiting musicians or, if the producer or conductor insists upon using his own musicians, that the members of the local be paid the sums which they would have earned had they performed. That similar devices are employed in other trades is well known. It is admitted here that the stand-by musician has a job, even though he renders no actual service. There can be no question that he demands the payment of money regardless of the management's willingness to accept his labor. If, as it is agreed, the musician would

escape punishment under this act even though he obtained his "stand-by job" by force or threats, it is certainly difficult to see how a teamster could be punished for engaging in the same practice. It is not our province either to approve or disapprove such tactics. But we do believe that they are not the activities of predatory criminal gangs of the Kelly and Dillinger types at which the act was aimed and that, on the contrary, they are among those practices of labor unions which were intended to remain beyond its ban.

The Court then continued:

This does not mean that such activities are beyond the reach of Federal legislative control.

They are not, and the Hobbs bill may reach them. But the Hobbs bill will not—because the committee amendment says that these other four statutes shall not be modified—reach the unlawful acts committed under them and sanctioned by Federal court decisions. They can continue those activities even though we pass the Hobbs bill. I say to the committee, I say to the chairman, I say to the Republican members of that committee, if you want to end that kind of practice, as you say you do when you bring this bill before the House, then why not follow the simple method of striking out the 17 words of the exception and section 6 of the Anti-Racketeering Act of June 18, 1934, and let it go at that? When the Hobbs bill comes up, why not do that, even though you may be accused of being a Hitler stooge just because you try to end racketeering and bring out a bill that will accomplish the things our folks want, our people back home desire, the thing they are going to have some day, either through this Congress or some other Congress. If you want to get the good will of the union men themselves, many of whom and whose wives have appealed to me, "Get us out from under these fellows who are making us come across all the time, who are telling us when and where we can work and how much we must pay in each month," pass a real bill. I repeat, if you want to follow and execute the will of the people and give them the things they want, if you want to give organized labor, the rank and file of organized labor, the things they want, then you ought to pass a bill that will not only protect the citizens against racketeers but we ought to bring in a bill that will protect the union men themselves against the racketeer politicians in their own organization.

I am going to offer some amendments to the bill, even though I will be characterized as a stooge of Hitler. However, I will not be the stooge of any labor politician or labor official. I will stand by the American worker and the union man but I will not submit to the will of the union boss who is a bloodsucker on the body of union workers.

Mr. GIFFORD. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. I think the gentleman can help me out. The first part of this bill recites illegitimate acts. Then we seem to be writing in something to the effect that if these illegitimate acts are found to be legitimate under certain other acts they must not do anything about it. You simply assume that you have to look over the other acts and that probably there is not anything in those acts that would be affected by this; and it is perfectly fair to assume, is it not, that by putting in that reservation they can use those acts wherever they can do something that is pretty nearly legitimate, but use it as a lever so as to refute any charge that the acts were illegitimate? I am trying to see where you declare certain acts illegitimate, then you try to make them legitimate under a reservation.

Mr. HOFFMAN. If you put into this act the committee amendment that it shall in no way repeal, modify, or affect these other four acts, then you accept the other four acts, and with the four acts as written you accept the construction put on those acts by the courts of last resort which have said that certain things that we know are illegal if performed by any other citizen are legal when performed by union men.

I shall vote for the Hobbs bill even though it is not amended, because it is the only thing I can vote for that looks as though it had something in it which might stop one form of extortion. But I do not want my people in the old Fourth Congressional District of Michigan to think for one moment that I do not realize that that act does not cure the evils of which they now complain, even though I am told by the Judiciary Committee and all the lawyers in the House that the amendment will not rob it of its intended purpose. In my own mind I am convinced that if we let that act go through with that amendment, in the days to come, when these activities which have been condemned time and time again by the people, come again before the courts for characterization, we will be told they are not punishable under any Federal law. The argument then will be: Congress said, "Oh, well, you are legalizing all the things that can be done under those acts," you legalized all those acts. Remember the case here in Washington when there was a combination down here of teamsters hauling bread. The Supreme Court said a conspiracy charge would lie, but they could not be indicted because they belonged to a labor union, and the Antitrust Act did not reach unions. So they conspired and held up the delivery of bread to the hungry citizens of Washington. The law which the committee says shall not be modified does not reach them.

You pass this act the way it is and upon the shoulders of the chairman of the committee, upon the committee, rests the responsibility. I do not want anyone to think that if we pass this bill all the evils brought on by racketeers operating within unions will be cured.

AMENDING THE ANTIRACKETEERING ACT

Mr. HOBBS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 653) to amend the act entitled "An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation," approved June 18, 1934.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 653, with Mr. WOODRUM in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

The CHAIRMAN. The gentleman from Alabama [Mr. HOBBS] and the gentleman from New York [Mr. HANCOCK] will each be recognized for 1 hour.

Mr. HOBBS. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I believe this bill unamended would drive a deep wedge between capital and labor and would make for discord and disunion at a time when peace and harmony are essential and when peace and harmony are all the more needed between employer and employee during these "times that try men's souls," as Tom Paine said.

Labor is striving to do all in its power in the interest of the war effort. It is entitled to commensurate rewards for its titanic striving. It is not entitled to a deprecatory measure like the instant bill, if unamended. If this bill is adopted unamended, or if the committee amendment is adopted, I am firmly of the conviction that the bill will put a manacle on labor. Its traditional, lawful, fair, and equitable union activities will be unduly interfered with. While the bill ostensibly is aimed at racketeering, and we are all in favor of anything that would stamp out racketeering, it goes beyond the purpose of stamping out racketeering.

Among other purposes, those behind the bill seek to strike a blow at labor which is quite unjustifiable. The bill stems from the activities of the so-called Teamsters' Union, Local 807. None of us approve of the activities of that local teamsters' union. On the contrary, as I said in the minority report, it is my belief that these activities are in the long run disadvantageous to those comparatively few locals who engage in them and to the organized labor movement in general. But this bill seeks to visit the sins of the few upon the many.

It is interesting to note that Daniel Tobin, general president of the Teamsters' Union, not only disavowed the practices of that local and similar practices of other local unions but actually issued an order prohibiting in the future such outrageous conduct on the part of the unions under his jurisdiction.

I believe that this is a most inopportune time to bring up a bill of this character. Labor is doing all in its power on the assembly lines to effect a torrential flow of tanks, planes, guns, and ships. For that reason, labor deems this a blow below the belt.

I have here a letter the Under Secretary of War, Robert P. Patterson, wrote to William Green, president of the American Federation of Labor, which gives

you some idea of the splendid war contribution made by labor. He states:

DEAR MR. GREEN: I hope you will present my greetings to the members of the Executive Council of the American Federation of Labor, and my best wishes for a successful meeting.

Through you, the Army congratulates the millions of members of the federation on the important contribution they are making to the cause of a United Nations victory.

The planes, weapons, radio equipment, and other manufactured products American Federation of Labor workers are building are performing splendidly in battle. The machine tools and parts which you produce for the factory front are no less invaluable.

The Army is especially grateful to those members of the federation who helped us to rush to completion the barracks, hangars, arsenals, and factories without which we could not have trained our troops and made our munitions. In a like manner, your members who are engaged in transportation and warehousing have helped us to speed supplies to the fronts and to our allies.

No history of the present conflict could be written without adequate mention of labor's importance in tipping the scales of military power. From every front come reports every day of the fighting achievements of weapons made by members of the American Federation of Labor.

According to a dispatch from Guadalcanal, enemy bombing on our positions always ceases after the arrival of your P-38 Lightning planes. "It was evident," the dispatch said, "that enemy aircraft avoided, as much as possible, actual combat with the P-38's." The federation has reason to be proud of the splendid record being made by the Lightnings, the Flying Fortresses, the Liberators, and all the other planes which are made by members of your organization.

With the equipment you have furnished us, we have come a long way on the road to building an adequate offensive arsenal. We are counting on free labor to continue supplying us with the weapons to keep America free.

Sincerely yours,

ROBERT P. PATTERSON,
Under Secretary of War.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HOBBS. Mr. Chairman, I yield 5 additional minutes to the gentleman from New York.

Mr. CELLER. Similar commendatory messages have been written to the heads of the C. I. O. complimenting them on the tremendous contribution made by the members of that organization in the war effort. Such worthy service is entitled to more than is embodied in this bill, more of that which is generous and rewarding, and more of that which is beneficent. I believe and am firmly of the conviction that we do wrong to labor and we do wrong to the Nation in attempting to pass this bill. It will discourage honest workers, disillusion them, and make them bitter and fearsome. The "hewers of stone and drawers of water" are entitled to encouragement and incentive, to greater striving, not to the disparagement and humiliation connotated by this bill.

Let me call your attention to one or two items in the bill which meet with my disfavor. For example, the bill provides for a punishment of 20 years and/or a fine of $10,000. Examine the antitrust statutes and you will find that malefactors under those statutes do not have to face a 20-year sentence. Violations of the antitrust laws are equally detrimental to the body politic and are as much a crime as extortion or robbery as contemplated by the instant bill. If the extortion or robbery is of such magnitude that it ought to be prosecuted as a felony instead of a misdemeanor, then the prosecution should be under State law. Insofar as the instant bill is concerned, it does not intend to punish extortion or robbery as such, since that would be a usurpation of States' functions. It intends to punish activities which interfere with interstate commerce. In that respect it parallels the antitrust laws, punishment for violations of which are likewise based on interference with interstate commerce. But in the one case, where capital is involved, you have the penalty of 1 year, and in the other case, where labor is involved, you have the penalty of 20 years.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to my distinguished colleague on the committee.

Mr. SPRINGER. May I ask my distinguished colleague on the Committee on the Judiciary if it is not a fact that under the provisions of this bill the question of penalty is left entirely discretionary with the court trying the case? Under the provisions of this bill a person could be penalized to the extent of 1 year or less than 1 year or up to 20 years, all in the discretion of the court.

Mr. CELLER. Or his sentence might be suspended. I agree with the gentleman. But why do we single out labor and impose even a possible penalty of 20 years? Psychologically, that is abhorrent, to my way of thinking, especially since innocent labor acts, lawful acts, might be interdicted, especially if my amendment shall not prevail. That will be seized upon by everyone who has any opposition to the bill and will be exaggerated all out of its importance.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New York.

Mr. HANCOCK. The gentleman is basing his entire argument on the false premise that this bill is aimed at labor. This is a bill of general application. It covers the most heinous crimes the criminal statute book contemplates. It had its origin in the activities of the Dillinger gang. All this bill does is abolish the double standard which Justice Byrnes established and makes labor responsible for crimes just as well as those who are not laborers. That is all it does.

Mr. CELLER. I wish the gentleman's interpretation were correct, but I fear that he is woefully in error. This bill is primarily aimed at labor. It has a label of racketeering, it has a label of extortion, it has a label of robbery, but it is an antilabor bill. Let us not delude ourselves, because were it not for the so-called Teamsters' Local decision by Mr. Justice Byrnes, a labor decision, we would not have had this bill. That decision arose from the activities of the so-called local unions. For that reason, it concerned labor, and this bill is directed at labor. We would be short-sighted otherwise. Let us not delude ourselves.

Mr. HANCOCK. Is not the gentleman insulting labor when he calls an antiracketeering bill an antilabor bill? I call it an insult to labor.

Mr. CELLER. The bill is not properly called an antiracketeering bill. Those opposing the bill, unamended, and labor opposing the bill cannot and should not be said to be in favor of racketeering. We disfavor any bill that interfers with legitimate labor acts under the guise of preventing racketeering. The language is broad and sweeping and is as broad as a barn door and may permit simple assaults to be converted into felonies.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. HANCOCK. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. GWYNNE].

Mr. GWYNNE. Mr. Chairman, back in 1934 this Congress passed the Copeland antiracketeering statute. It provided a penalty for any person who would obtain property from another person by means of violence or by threats of violence. The law had in it what later turned out to be a very important exception. It provided that it should not apply to "wages paid by a bona fide employer to a bona fide employee."

In 1941 that statute came before the Supreme Court in the case of the Government against Local 807. The facts, putting them very briefly, were in substance as follows:

Local 807 is a large labor union in New York City operating principally in the Washington Market, which is the largest market in America engaged in the handling of vegetables. It was the practice of the members of that union to stop nonunion trucks coming into the city and insist on the driver of the truck employing a union driver, or a union man to unload the vegetables. That is, they insisted on the employment of these men of the union or the pay of a day's wages, judged by the union scale. The contention of the Government was, that under those circumstances the exception in the statute did not apply, that this money was paid to these hijackers for protection, and not by way of wages. The Court overruled the contention of the Government and held that the exception applied, and that is why we are here, trying to amend this law.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. Not for a moment. Putting it briefly, what this bill does is to rewrite the law and leave out that exception on which the Supreme Court's decision is based. So the net result would be that the same set of facts which existed in the case of the Government against Local 807 would result in a conviction and punishment. That is title I.

Title II is similar to a bill we had in the last war. It is broader than title I in some respects, except that it will be in force only for the duration of the war. It makes it a crime for anyone by the use of physical force or intimidation to interfere with the orderly transfer of

goods in interstate commerce, or with the transportation of troops, munitions of war or mail, even though not in interstate commerce. Later on there will be some discussion about some proposed amendments.

I believe it was not the intent of the committee in writing this bill to in any way interfere with the rights of labor, guaranteed under the statutes that are enumerated in these amendments. I think no amendment is necessary. There are those people who disagree, and, in order to make it abundantly clear that we do not propose to interfere with the rights of labor under these statutes, some kind of an amendment will be offered, and the choice then will be between the so-called Celler amendment, and the committee amendment. I prefer the committee amendment, and I may say a few words about that later on. However, I am frank to say that I do not see much real difference between those two proposed amendments. I now yield to the gentleman from Michigan.

Mr. HOFFMAN. I understood the gentleman to say the purpose of this action, title I, is to strike out that exception contained in the 1934 act.

Mr. GWYNNE. That is correct.

Mr. HOFFMAN. If that is the purpose, why do we not adopt an amendment striking out those words? That case was decided on March 2, 1942, and on the 6th of March I introduced in the House a bill to strike out that exception, which, if adopted, would take all that class of racketeering out from under the Byrnes decision.

Mr. GWYNNE. That is substantially what we have here, except we do this. We take the different acts and proceed on that basis. But we do substantially what the gentleman says.

Mr. HOFFMAN. Here is one other question. Is it not true that when we adopt a statute or when a Federal court, for example, construes a State statute, that it takes into consideration the decision of the State courts?

Mr. GWYNNE. That is the usual practice, yes.

Mr. HOFFMAN. All four—and I leave out the railway act—but the other three laws, which will not be modified by this act, have been passed on by the Supreme Court.

Mr. GWYNNE. There is nothing in any of those statutes which authorizes the use of force and violence.

Mr. HOFFMAN. The gentleman is right, but as construed by the Supreme Court in the beauty parlor case and in the others, the Court said it did not carry anything which would provoke those acts. Yet they smashed the windows, and bombed the house.

Mr. GWYNNE. There are many decisions of the courts with which I do not agree, but it seems to me very clear that the decision of the Supreme Court in the case of the Government against Local 807 did not turn on any statutes except this one that we passed in 1934.

Mr. HOFFMAN. That is right.

Mr. GWYNNE. I do not think any amendment is necessary.

Mr. HOFFMAN. I agree with the gentleman; if we write a bill without the amendment, then we will have a law.

Mr. GWYNNE. I am perfectly willing to accept an amendment out of abundance of caution, because some people think it is necessary.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. Yes.

Mr. DONDERO. Will the gentleman explain for the benefit of the House the difference between the committee amendment and the Celler amendment, if there is any difference?

Mr. GWYNNE. I do not see any real difference. The gentleman has probably heard the statement made by a distinguished English judge about a brother judge. He said that so-and-so is a distinguished judge, but "he has an unfortunate predelection for scholastic logic." I think that explains some of the arguments about these amendments. I prefer the committee amendment for the reason that it follows the usual language that we have adopted in the past in that type of legislation. There are people who say that the Celler language is capable of some different construction. It probably is. If I were construing it, if I were the court, I would say that the two amendments are identical. It is entirely possible that some court, wanting to arrive at a certain decision, might more easily arrive at it under the Celler amendment than under the committee amendment. That is the reason that I am for the committee amendment.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. Yes.

Mr. MARCANTONIO. Is it not a fact that the vital difference between the bill now before us and the Antiracketeering Act of 1934 is that this bill excludes two provisions which were inserted in the Antiracketeering Act of 1934 for the purpose of protecting labor, when it is engaged in a militant labor activity, and those provisions, excluded from this bill, distinguished between a militant labor activity and a racketeering activity? With those provisions out, a militant labor activity such as a clash between strikers and scabs during a strike would be considered a violation of the provisions of this bill if it were enacted into law.

Mr. GWYNNE. No. I cannot agree with the gentleman. This statute leaves out three provisions that were in the 1934 statute, and words the remainder in a little different language.

Now, here is the disagreement. I think the intent of Congress in the 1934 statute was to protect the lawful activities of organized labor. The construction put upon it by the Supreme Court would authorize unlawful acts—certainly never intended by this Congress.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. WALTER].

Mr. WALTER. Mr. Chairman, the reason for a law is the soul of the law. I think that at the outset we might examine what is admittedly the reason for our being here today considering this legislation. I am about to read from the opinion of Mr. Justice Byrnes, that unfortunate decision that necessitates this legislation, with the feeling that this probably is as honest a statement of what the facts that formed the basis of the prosecution in the Local 807 case were:

> There was sufficient evidence to warrant a finding that the defendants conspired to use and did use violence and threats to obtain from the owners of these "over the road" trucks $9.42 for each large truck and $8.41 for each small truck entering the city. These amounts were the regular union rates for a day's work of driving and unloading. There was proof that in some cases the out-of-State driver was compelled to drive the truck to a point close to the city limits and there to turn it over to one or more of the defendants. These defendants would then drive the truck to its destination, do the unloading, pick up the merchandise for the return trip and surrender the truck to the out-of-State driver at the point where they had taken it over. In other cases, according to the testimony, the money was demanded and obtained, but the owners or drivers rejected the offers of the defendants to do or help with the driving or unloading. And in several cases the jury could have found that the defendants either failed to offer to work, or refused to work for the money when asked to do so.

Now, if the above-stated facts do not constitute racketeering, certainly the Congress, when it enacted this Antiracketeering Act, chose improper language. In my judgment, the decision was a bad one, and I ask you at some time to read the entire minority decision and you will have a pretty good idea of what Congress intended to do.

Now, with the hope that my voice can be heard across the park, I want to state that it is the intention of the Committee on the Judiciary to enact legislation for one purpose, and one purpose alone, namely, to correct the unfortunate decision in the Local 807 case. It was never within the mind of any member of the Judiciary Committee to take from labor any of those things that it has won. It seems to me that both amendments make that very, very clear. Both amendments, excepting from the operation of this act those things that are guaranteed to labor under the National Labor Relations Act, under the Railroad Mediation Act, under the Clayton Act, and under the Norris-La Guardia Act. As plain as we could select English, those exceptions are provided for.

But there is something about this law that strikes me as being very significant. Bear in mind that we are amending the act of 1934 and nothing else. We are amending the Antiracketeering Act. Under section 420 (c) of the act that we are amending there is this language:

> Prosecutions under 420 (a) through 420 (e) of this bill shall be commenced only upon the express direction of the Attorney General of the United States—

Language that is not found in any other criminal statute. Why? Bear in mind that the original Antiracketeering

Act was written by Senator Copeland of New York. Senator Copeland was determined not to do anything to injure labor, and with that in mind and realizing full well that a tremendous weapon would be placed in the hands of people who were antilabor, through the ability to bring prosecutions and indictments, was written that provision. So that the arguments about a dangerous weapon being available to those people who would crush labor is without any foundation because the prosecution brought was first submitted to the Attorney General of the United States, and he concluded, and properly so, that members of Local 807 had violated the law.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. COX. Has the committee written that provision into the pending bill?

Mr. WALTER. No; that provision was not written in the pending bill. We are amending the act of 1934 because the Supreme Court has, through the most tortuous decision that ever came from the pen of a justice, found something that the Congress never intended to be in the act of 1934.

I do not know why labor is not willing to assist in putting its own house in order. I am always very much provoked when labor leaders take the position that labor, like the king, can do no wrong. It certainly seems to me that in this particular instance labor ought to be requesting that we take steps that will take from their doorsteps the criticism that has come there, and with justification, as a result of the things that have been done in New York City. Farmer after farmer in the eastern part of Pennsylvania has been stopped at the entrance to the Holland Tunnel, compelled to get off his truck and give to some man $9.40 to deliver that truck to a point where that farmer had been delivering his produce for a great many years; or he has been compelled to employ a pilot to show him where the market is; where he and his father and his grandfather have delivered their produce for a great many years.

Even the representatives of organized labor who testified before the Committee on the Judiciary—and much testimony was taken on this proposal—testified that they frowned upon the practice sought to be curbed through this legislation. No one can justify it. There was even inserted in the hearings an editorial written by Daniel Tobin, in which he said that his union was very much opposed to the practice sought to be outlawed through the bill under consideration, but, Mr. Chairman, according to letters I have received during the last week, the opposition of Mr. Tobin and other members of his organization to this practice has availed nothing, because those slimy racketeers are engaged in the same shake-down that they were working when the case was brought to the Supreme Court of the United States.

Why does not labor stop, wake up, and realize that they are following the same path that business followed up to 1934? There was a time when business resisted every effort to enact any kind of decent regulation, and they have paid a bitter price for that resistance. Today labor is doing the same thing, and those of us who are real friends of labor, those of us who believe that the labor movement can be made to mean something worth while in our body economic are fearful that, if labor continues to follow along the path they have been following in the past, labor will find itself ultimately where business did a few years ago.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. LAFOLLETTE].

Mr. LAFOLLETTE. Mr. Chairman, it is rather fortunate that I am permitted to speak following the gentleman from Pennsylvania [Mr. WALTER]. Perhaps I misunderstand this bill, but I do not believe I do. I think that one of the weaknesses in the present bill is the absence of the very section to which the gentleman from Pennsylvania referred; in other words, I object to the bill because I do not think there is a uniform treatment of labor and aggregations of capital in the question of who shall institute prosecutions. In the Federal Power Act, in the Communications Act, in the Packers and Stockyards Act, in the Investment Company Act, the Anti-Trust Act, and in the Securities and Exchange Act, there is a provision that prosecution cannot be begun until approved by the Attorney General.

I think this is an all-inclusive amendment; I am unable to agree with the gentleman from Pennsylvania that section 4 of the old act is still effective if this bill is passed. Section 4 reads:

> Prosecutions under this act shall be commenced only upon the express direction of the Attorney General of the United States.

I do not find it in this bill. It is true there is a reference in the preamble of the bill——

Mr. HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. LAFOLLETTE. I yield.

Mr. HANCOCK. That section is clearly left out, intentionally so. This bill omits the section referred to.

Mr. LAFOLLETTE. To that extent, then, the gentleman from Pennsylvania was mistaken when he said a few minutes ago that that section was still in the bill.

Mr. HANCOCK. I did not understand the gentleman from Pennsylvania to make that statement.

Mr. LAFOLLETTE. I thought he did.

Mr. JENNINGS. Mr. Chairman, will the gentleman yield for a question?

Mr. LAFOLLETTE. I yield.

Mr. JENNINGS. Is it not a fact that with reference to the prosecution in the Federal courts for a violation of any Federal criminal statute the prosecution is wholly under the control of the Department of Justice and a person interested in the prosecution of such an offense cannot be represented by private counsel? Those cases are always handled by United States district attorneys who in turn are under control of the Attorney General of the United States.

Mr. LAFOLLETTE. I may say to the gentleman from Tennessee that there are innumerable prosecutions which may be brought by district attorneys without reference to the Attorney General. If that were not true why do we find this language in the five acts to which I have referred?

Mr. JENNINGS. But my point is that no Federal prosecution can be instituted or followed up and presented to a trial jury except by a United States district attorney or his assistant or some special officer.

Mr. LAFOLLETTE. I admit that.

Mr. JENNINGS. No outside attorney is ever permitted to file any such case.

Mr. LAFOLLETTE. I admit that. What I am trying to say is that if you say that certain combinations of capital shall not have a suit brought against them without approval of the Attorney General, then I say the same standard should be applied to this act and no prosecution brought without the approval of the Attorney General rather than to permit any district attorney, under any pressure of any kind in any State in the Union, to begin and institute an action under this bill. I say that language should be in the bill, and I am quite sure the gentleman from Pennsylvania was in error when he said it was still in it. I think it was taken out, and because of the broad language, particularly of the robbery section of this act, if I were a laboring man I would very definitely feel that I would be much safer if this section, which was section 4 of the old act, were put in; and if I do not get tangled up in parliamentary procedure I intend to try to get an amendment in the bill which will restore to this bill that which I think has been taken out.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back one-half minute.

Mr. HOBBS. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. BALDWIN].

Mr. BALDWIN of Maryland. Mr. Chairman, I want to take just a few minutes to urge to the best of my ability the passage of this bill and the retention in it of the committee amendment, and the defeat of the Celler amendment which will be offered. Let me explain my reasons for taking this position. The Maryland delegation, including the two Senators, had a meeting with about 200 representatives of the C. I. O. of Maryland some 2 weeks ago. This bill came up for consideration. They were opposed to its passage except upon inclusion of the Celler amendment.

Upon being questioned about the amendment, they admitted that it nullified the bill completely, and they were satisfied with it, because the bill meant nothing with the Celler amendment in it. That is the statement made by the C. I. O. leaders of Maryland, and I am sure they got pretty good legal advice when they proposed this amendment.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. BALDWIN of Maryland. I cannot yield. That was their statement.

Mr. Chairman, I am here only in the interest of decent government in this country. I am a friend of labor, and my voice will always be raised on the floor of this House against any measure which tends to exploit labor, but I say to the men who are labor leaders that they should be the most ardent sponsors of this measure in order to protect labor from the general public reaction which some of their own members bring upon themselves by their own acts.

I have not read the hearings before the committee. I do not have to. I know too much of what has been done by some men, possibly not with the sanction of labor generally, I may say in fairness, in my own State. I could stand here for a half-hour and tell you of instances of farmers' trucks hauling into Baltimore which have been stopped and made to pay exorbitant fees.

I will give you one illustration of a milk transportation company in my county. It had 5 truck drivers who were farm boys. They tried to force them to belong to the union, but they refused. They oiled a curve on a sharp downgrade on the road, and ran one of their trucks in a ditch and wrecked it. Then 1 week after that, while unloading at the Western Maryland Dairy in Baltimore City, the driver was blackjacked, and knocked unconscious, his helper's throat was cut from ear to ear, and 22 stiches were required.

Mr. Chairman, those things are disgusting, not only to everybody in this country, but to the decent, honest, law-abiding laboring people in this country. The main issue in this, in view of the generally acknowledged fact that this has happened all over this country, is this: Are we in Congress going to let that condition exist in this country because of a Supreme Court decision? We have one duty by this bill, and that is to tell the American people that by this act we are going to restore their respect and their confidence in the strength and the dignity of this Government.

Mr. HANCOCK. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, at the outset of what I want to say in connection with this bill, may I bring to the attention of the Members the fact that a careful check of the biographies of the 435 Members of this House shows that 230 Members are members of the bar, leaving 205 Members who are laymen. As a consequence, I think those of us who are attorneys too frequently assume that the nonlegal Members of this body understand legal phraseology, understand exactly how acts are constructed, and what the interpretations of courts have been on specific acts, with the consequence that many, many persons who receive from propaganda groups, pressure groups, and the like literature and interpretations written by some special writer in behalf of the particular group, that these nonlegal Members are frequently confused and are unable to discern the fine legal distinctions that enter into the writing of an act, its phraseology and its manner and method of enactment.

With that in mind, as a lawyer of 26 years' experience as a public prosecutor, 12 years as State district attorney, 4 years as State deputy attorney general, 3 years as chief legal adviser of a prohibition district, 4 years as United States attorney, and 3 years as special assistant to the Attorney General, I want to talk just as if I were speaking to a group of laymen.

Mr. MICHENER. Will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from Michigan.

Mr. MICHENER. Who was Attorney General when the gentleman was United States attorney for the Western District of Pennsylvania?

Mr. GRAHAM. The Honorable Homer Cummings. I had originally been appointed by President Hoover and was later appointed by Attorney General Cummings to be a special assistant in connection with the prosecution of a number of cases in the city of Pittsburgh.

First of all, let us realize just what we are dealing with here. We are dealing first with the interpretation of an act which was drawn in 1934. One of my colleagues who preceded me here stated that in his judgment a specific clause should be retained in this proposed bill, if enacted into law, requiring that the special attention of the Attorney General be given and that his permission be given before prosecutions are entered. I do not think I am in error when I say that this same biographical check shows that I am the only former United States attorney in this House. Several men have been assistants, several men have been special assistants to the Attorney General, but I believe I am correct in stating that I am the only former United States attorney in the House.

Prior to the year 1933 or 1934, or in that neighborhood, such sections were rarely known in the law, but with the incoming of the new administration a habit grew up and has been followed through a number of recent enactments, requiring that the permission of the Attorney General be granted before prosecution be entered. This is entirely contrary to the practice that existed for over 140 years. It is almost always left to the discretion of the United States attorney.

In view of the fact, as I said before, that many of you have not been United States attorneys, may I say that the method is this. Before the convening of the grand jury the facts are assembled. They are prepared in every instance by very carefully selected men, men of the F. B. I., of the Secret Service, of the Alcohol Unit of the Treasury Department, of the Bureau of Internal Revenue, and of all these various sections. These reports are submitted and a copy of these reports goes to the Attorney General in Washington as well as to the head of the particular bureau. As a consequence, when the United States attorney receives his report it is usually one of four reports, one being retained in the local unit, one being given to the Attorney General, one being given to the head of the particular bureau, and the other to the United States attorney. Thus there is a four-fold check on the proposed indictments.

After the convening of the grand jury and the submission of the testimony and the finding of the bill, of course, the indictment has already been prepared. An indictment calls for certain counts. In this particular case the first count was violation of the provisions of the Sherman Act. That was not pressed before the Supreme Court. The second indictment carried four counts of conspiracy to violate the provisions of this act.

I have carefully read the opinion of Judge Learned Hand, circuit court judge of the second circuit, that of Judge Clark, concurring in part, and the dissenting opinion of Judge Augustus Hand in this case, showing that these judges split wide apart in their interpretation of this act and the law applicable to the facts.

I now want to refer for a moment to another part of the decision that was quoted a moment ago by my colleague from Pennsylvania. I am using the language of Justice Byrnes in this opinion. After he has recited these facts, he says this:

> This does not mean that such activities are beyond the reach of Federal legislative control, nor does it mean that they need go unpunished.

In other words, even Justice Byrnes says to the Congress of the United States—

> You should now enact legislation which will meet the exact situation that we find has not been covered in our majority opinion in handing down the opinion in this case.

There is a direct mandate, if you wish to call it that, from the Supreme Court of the United States that it is the duty of the Congress of the United States to enact such legislation.

I now want to turn for a moment to the dissenting opinion of Justice Stone, the Chief Justice.

If you will pardon a digression for a moment, this makes me think of a thing I once heard while waiting to argue a case before the Supreme Court of Pennsylvania. An attorney was arguing with some vigor and the chief justice of the court said, "Mr. Blank, you are arguing from a dissenting opinion. That is not the law." Unabashed, the attorney said, "Well, if it isn't, it ought to be." That is my comment in this case. If Justice Stone's opinion is not the law, in my judgment, it ought to be.

This is what Justice Stone has said on the interpretation placed on the provisions of this act and the exceptions by the majority members of the Court. I have noticed carefully what he said:

> It is no answer to say that the guilt of a defendant is personal and cannot be made to depend upon the acts and intention of another. Such an answer if valid would render common-law robbery an innocent pastime.

There are many ways of getting a case out of court. You can laugh it out of court, but this is too serious a matter to be laughed out of court.

What happens? One of the former speakers referred to the fact that the

definition of robbery was loosely drawn. I do not know how many thousands of indictments I have drawn, but many, many thousands. I went to the books to see whether the definition of robbery as written in this act did coincide with the common-law definition of robbery. As you know, we in Pennsylvania follow the old English common-law procedure, with such codification of law as has come up since. This is the common-law definition of robbery. If you will take the trouble to compare this with the definition used in this act, you will see that it has been followed almost word for word.

The common-law definition of robbery is that it consists in feloniously taking the personal property of another from his person or in his presence against his will by violence to his person or by putting such person in fear of immediate injury to his person.

As you compare that with the language in this bill, has this section of the bill been loosely drawn, as stated here on the floor?

This is the definition of extortion:

The ordinary meaning of the word "extortion" is a taking or obtaining of anything from another by means of illegal compulsion or offensive action.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HOBBS. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. GRAHAM. I purposely cited those two definitions to meet the charge that the phraseology and language used in the preparation of this bill has been loosely drawn and loosely prepared, when as a matter of fact it reveals that the language used is in complete conformity with the common-law definition of the various crimes.

One of our colleagues, I believe the gentleman from New York [Mr. CELLER], referred to the fact that he was appalled—I think that was the language he used—at the penalty that was imposed under the provisions of this bill. Let me read you for a moment a brief definition of robbery under the Criminal Code. I am quoting from the Criminal Code, chapter 11, section 463:

Robbery: Whoever, by force and violence, or by putting in fear, shall feloniously take from the person or presence of another anything of value, shall be imprisoned not more than 15 years.

That has been the law of the United States for I do not know how long, probably 125 years; yet all of a sudden Members become appalled. As stated in the committee by the author of this bill, he made a compilation of the penalties for robbery in the 48 States of the Union, and by averaging those found that they averaged 20 years. Am I correct in that?

Mr. HOBBS. They averaged 20 years.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from New York.

Mr. CELLER. Justice Byrnes in his decision stated there was no attempt on the part of Congress to interfere with the traditional activities of labor unions. We put in the Copeland Act a specific provision which favored the traditional activities of labor unions. Therefore, the original act as well as this bill is aimed at labor. It seeks to do away with the excesses and racketeering of the Dillinger type. That being the case, should not we have been more careful in providing penalties rather than put a 20-year penalty in this bill?

Mr. GRAHAM. My answer to my colleague is this: The four sheet anchors of labor in Federal legislation are, first, the provisions of the Clayton Act, which applies to the issue of injunctions in labor disputes. The second is the Norris-LaGuardia Act, which also protects labor, and, returning for a moment to the first act cited, the Clayton Act, it is stated that labor is not a commodity, and no higher recognition of labor has ever been given than in the enactment of that act. The third sheet anchor is the Railway Labor Act, and that in my judgment is one of the finest acts ever passed by the Congress of the United States. The complete machinery and the mechanism is set forth, and a whole agenda has been laid down by which its processes may be followed out. Men have the right to strike. Of course, they have. They have the right of collective bargaining, of course, and no one disputes that. They have the right to peaceful picketing, and no one disputes that; and they have the right to organize for better working conditions.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HOBBS. Mr. Chairman, I yield 1 minute more to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, the fourth sheet anchor is the National Labor Relations Act, and in that act every safeguard has been thrown around labor. What do we propose to do in this act? We propose to preserve and save intact for labor every one of those sheet anchors, and as a consequence we are determined that first of all there shall be upon the statute books of America accurately drawn laws that will take care of situations that arise, that racketeering will stop and as a consequence honest, decent people who are law-abiding will have no fear of the law. Finally, this is not an intricate act. I counted up the lines, and if we add the committee amendment, this will have only 78 lines.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. HOBBS. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER. Mr. Chairman, I am sure that my colleagues will believe me when I say that, on the whole, I have stood by the rights of organized labor about as much as any Member of Congress, particularly from my section of the country. I feel that organized labor has a definite and an important place in the economy of this Nation, and I am for organized labor, and for the purposes it seeks to accomplish. But, after all, if any movement or any group, not excluding organized labor, is going to be successful, it must have public opinion with it. Organized labor suffered a great deal by virtue of things that took place in New York out of which the 807 case grew. A very few people were responsible for this condition and yet all of organized labor had to withstand the wrath of public opinion because a few men did wrong. This wrong, mind you, was even against the orders of their leaders.

There can be no justification for what took place up there. These farmers, or men driving farm trucks came in, and as has been explained, they were shaken down for $8 or $9. It might not have been so bad if they had been given an opportunity to join the union, but as was said by Mr. Padway on page 188 of the hearings, they were not invited to join the union, they could not join the union, they were not eligible for membership. So they were confronted with a situation in trying to market their produce of paying a sum for the privilege of driving over the streets which they owned as much as anybody else. Down in Richmond, Va., a policy grew up where the apple farmers in bringing apples into the market could get within 100 or 200 feet of the place where they were going to deliver them, and then they had to employ a union truck, or a truck with a union driver, and take the apple boxes out of the farm truck, and put them into the union truck, in order to unload them at the station. A picture of the transfer is on page 21 of the hearings. Mr. Chairman, no one contends this is right. Union leaders themselves condemn it. I have a very definite feeling that the leaders of organized labor down in their hearts would welcome well-intended assistance in dealing with these problems.

Mr. Padway said in the hearings:

I maintain that any man who is guilty of highway robbery whether he has a union card or not, should be prosecuted under the highway-robbery statute, and sent to prison.

He is right about that. He further says:

I simply say that in an organization that is so large, you will find men that do the things that some of these leaders were convicted of doing some months ago, but you will find that in banks, and in the legal fraternity and in the medical fraternity, as for instance, we find abortionists in the medical profession.

His statement is true and wrongs should be corrected regardless of who commits them.

I can favor this bill because it is not intended to take away any rights of labor. An amendment will be offered to guarantee that none of these rights which I want labor to have are taken away. I assume the amendment will be adopted. If it is I understand the A. F. of L. has no serious objections to the bill. I believe that with the amendment, which will exclude from the act all lawful acts of any person which are protected under the four laws passed for the benefit of labor, the law will be wholesome and actually in the interest of organized labor if you take a long-range view of the matter.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. KEFAUVER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HANCOCK. Mr. Chairman, I yield now to the gentleman from Maine [Mr. FELLOWS].

Mr. FELLOWS. Mr. Chairman, I shall support the Hobbs bill. The Anti-Racketeering Act of 1934 is printed on pages 10 and 11 of the committee report. This act is entitled "An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation."

In substance this act provides that if any person—

(a) Obtains or attempts to obtain, by the use of or attempt to use or threat to use force, violence, or coercion, the payment of money or other valuable considerations, * * * or

(b) Obtains the property of another, with his consent, induced by wrongful use of force or fear, or under color of official right; or

(c) Commits or threatens to commit an act of physical violence or physical injury to a person or property in furtherance f a plan or purpose to violate section (a) or (b); or

(d) Conspires or acts concertedly with any other person or persons to commit any of the foregoing acts, shall, upon conviction thereof, be guilty of a felony

This statute, however, contains an exception in section (a), as follows:

not including, however, the payment of wages by a bona fde employer to a bona fide employee.

This exception is further found under section 3, in paragraph (b) wherein it is said the terms "property," "money," or "valuable considerations" shall not be deemed to include wages paid by a bona fide employer.

In considering the proposed amendment to this original act of 1934, one must keep in mind this exception found in the original act.

In 1941 certain persons were indicted under this original statute for conspiring to violate its provisions. After a 6 weeks' trial the respondents, who were members of a labor union, were convicted.

The jury required 2 days—

Opinion of the court, page 6 of the committee report—

in which to reach a verdict.

And twice during that period, it sought further instructions from the court, particularly with reference to the law relating to labor activity. After conviction, the circuit court of appeals found reversible error in the charge of the presiding judge. From this finding, the case went to the Supreme Court of the United States, and in a majority opinion, delivered by Mr. Justice Byrnes, the circuit court of appeals was sustained—U. S. against Local 807, March 2, 1942.

Mr. Chief Justice Stone dissented.

In this dissenting opinion will be found a statement of what the respondents did which gave rise to the indictment. I will quote it—page 7 of the committee report:

Respondents, who are members of a labor union, were convicted of conspiracy to violate the Anti-Racketeering Act. They, or some of them, lay in wait for trucks passing from New Jersey to New York, forced their way onto the trucks, and by beating or threats of beating the drivers procured payments to themselves from the drivers or their employers of a sum of money for each truck, $9.42 for a large truck and $8.41 for a small one, said to be the equivalent of the union wage scale for a day's work. In some instances they assisted or offered to assist in unloading the truck and in others they disappeared as soon as the money was paid without rendering or offering to render any service.

What does anybody think of such conduct in a country that is fighting for freedom from fear and freedom from want?

Well, Mr. Justice Byrnes said, in his majority opinion—page 6 of the committee's report:

This does not mean that such activities are beyond the reach of Federal legislative control—

And, further—

The use of violence disclosed by this record is plainly subject to the ordinary criminal law.

It is evident what he thinks of it.

Mr. Justice Stone, in his opinion—page 8 of the committee report—said:

It is no answer to say that the guilt of a defendant is personal and cannot be made to depend upon the acts and intention of another. Such an answer if valid would render common-law robbery an innocent pastime.

It is evident what he thinks of such conduct.

I turn now to the committee minority report, found on page 13 of the committee report, and quote from the third paragraph:

It is interesting to note that Daniel Tobin, general president of the Teamsters' Union, not only disavowed the practices of the local teamsters' union involved in the Local 807 case and the similar practices of the other locals, but actually issued an order prohibiting in the future—

Note these words following—

such outrageous conduct on the part of unions under his jurisdiction.

That is what Mr. Tobin thinks of such practice on the part of union members that brought about the indictment of these men who practiced these activities.

We seem to be agreed, therefore, that these outrageous practices call for some correction. And the correction, we believe, is offered in this so-called Hobbs amendment to the original act of 1934. This amendment provides that if anybody, whether he is a member of a union or not, regardless of his race, color, or creed, commits robbery or extortion, he shall be punished.

Can anybody object to such a statute?

It is designed to make robbery and extortion anything but a wholesome, innocent pastime when such acts interfere with interstate commerce, which inevitably involves vitally our war effort and the feeding of our civilian population.

The opinion of the Supreme Court revolves around the exception in the original Antiracketeering Act, which excepted from its provisions the payment of wages by a bona fide employer to a bona fide employee.

The Supreme Court found error in the charge of the trial judge. Because he believed Congress did not intend to except from the operation of this original statute men who were guilty of holding up truck drivers and beating them or threatening to beat them for $9.42, in his charge to the jury used these words—page 7 of the committee report:

If the jury finds that the sums of money paid by the truck operators were not wages so paid in return for services performed by such defendants, but were payments made by the operators in order to induce the defendants to refrain from interfering unlawfully with the operation of their trucks, then the sums in question may not be regarded as wages paid by a bona fide employer to a bona fide employee.

Mr. Justice Byrnes, in commenting on this charge—page 7, second paragraph of the committee report—said this:

These instructions embody the rule for which the Government contends, and which we think is erroneous for the reasons we have given. Under them the jury was free to return a verdict of guilty if it found that the motive of the owners in making the payments was to prevent further damage and injury rather than to secure the services of the defendants. Whether or not the defendants were guilty of conspiracy thus became contingent upon the purposes of others and not upon their own aims and objectives. Moreover, the charge failed correctly to explain the legal consequences of proof that the owners had rejected bona fide offers by the defendants to perform the services. As we have said, the jury was bound to acquit the defendants if it found that their objective and purpose was to obtain by the use of threat of violence the chance to work for the money but to accept the money if the employers refused to permit them to work.

Bear in mind, if you will, that the words of the exception in the original statute are:

Not including, however, the payment of wages by a bona fide employer to a bona fide employee.

It is now late to discuss the question of legislative intent with reference to this original act of 1934, containing the exception above stated, because the Supreme Court has spoken, and that is the law of the land. It is interesting, however, to note what the Chief Justice had to say about this legislative intent—page 8 of the committee report:

When the Antiracketeering Act was under consideration by Congress, no Member of Congress and no labor leader had the temerity to suggest that such payments, made only to secure immunity from violence and intentionally compelled by assault and battery, could be regarded as the payment of wages by a bona fide employer or that the compulsion of such payments is a legitimate object of a labor union, or was ever made so by any statute of the United States. I am unable to concur in that suggestion now.

In this conduct of the defendants' described in the minority report as "outrageous," the Court pictured a relationship of contract—a meeting of minds—a voluntary agreement to employ and be employed in good faith! A man, with his truck, taking food into the city of New York, is set upon by two or more men, who beat or threaten him with serious bodily harm and thereby compel the payment to them of a day's wage. It is admitted that in some of the instances these stick-up men disappeared as soon as the money was paid without rendering or offering to render any service. The man pays the money to save himself and his property. He does not feel that his assailants are fit men to be trusted with the driving of his truck with its load of food, and rejects their offer of service. It is not clear to me how anybody could find in these facts and circumstances an honest relationship of employer and employee, voluntarily entered into between the assailant and the assailed.

Conspiracy was the charge and, in accordance with the interpretation placed upon this excepting clause by this majority opinion of the Supreme Court, the offer of service must be made in good faith. In the foregoing recital of facts where can anybody find these assailants were tendering their services in good faith? If good faith resides in this set of circumstances, it finds itself in strange companionship.

The judge who presided at the trial believed that no such relationship could exist under these circumstances, and in effect so charged the jury. In this charge, among others, was found reversible error.

Certainly this situation calls for correction.

It is said that we are fighting for the "four freedoms" everywhere in the world. of which two are freedom from fear and freedom from want. This statute proposed is of universal application. It is designed to make these "four freedoms" applicable not only to Europe, Asia, Africa, and the islands of the sea, but everywhere in the world, including the Holland Tunnel.

This so-called Hobbs bill should be passed.

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. O'HARA].

Mr. O'HARA. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. O'HARA. Mr. Chairman, in the consideration of the bill and upon the record of the hearings which were had before the subcommittee of the Judiciary Committee, I would say that the situation which confronts the House today is that each Member of the House is a member of a jury that is passing on a question of serious moment. I think some of the membership of the House may approach this in different ways, and I am indebted to the distinguished gentleman from California [Mr. LEA] for a little rhyme which he gave the hearings, and which may illustrate the viewpoint of some of the Members of the House with reference to this legislation.

I do not like thee, Dr. Fell,
The reasons why I cannot tell,
But this I know and know full well,
I do not like you, Dr. Fell.

It seems to me it is a significant situation that there are some who feel that this legislation is bad legislation; yet when you read the hearings, whether it be a farmer hauling beef to market in Minnesota, whether it was a Pennsylvania farmer hauling potatoes to the great Washington Market in New York, or whether it is a Virginia farmer hauling apples, or whether it was a Maryland farmer hauling peaches, from each of them was exacted a toll before he could use the public streets approaching the market place, not only in the great city of New York—and, by the way, the Washington Market is the greatest market in the world—but you had it happen in Pennsylvania, you had it happen in California, you had it happen in Idaho, you had it happen in a number of States of the Union. I do not know of any greater weapon that could be given to any group than to have them unrestrictedly, unlicensed, control the market place of the world. And that is what is happening in some of these instances as are reported here.

We had before our committee Mr. Padway and Mr. Tuttle. I would say they are two of the ablest lawyers in this country. They appeared in behalf of the brotherhoods of organized labor; and yet there is not a single witness, whether it was Mr. Padway or Mr. Tuttle or any other labor representative who had one word of commendation or one word of support for this hijacking and this racketeering; but they just felt that it did not need legislation.

I certainly am one of those who feels that we must have organized labor, but I think it would be the healthiest thing in the world if organized labor at some time in some of this legislation would say to the Members of Congress, "Gentlemen, we think there should be legislation." I think it would be a healthy thing for labor, because something has to be written on the statute books in view of the Supreme Court decision, and that decision in the case of United States against Local 807 is the only reason we need this law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. O'HARA. Could the gentleman give me 2 additional minutes?

Mr. HOBBS. I yield the gentleman 1 additional minute.

Mr. O'HARA. I want to say in respect to the United States against Local 807 case, I have never been able to see that the relationship of employer and employee existed when a man got on the running board of a truck and told the driver of that truck, "You have got to pay me $9.40 and I will drive your truck a couple of blocks." That is what the decision, in my opinion, holds. I have never been able to imagine an employer-employee relationship in such a circumstance. So I say this legislation is necessary by reason of the opinion in the Local 807 case.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HOBBS. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. SADOWSKI].

Mr. SADOWSKI. Mr. Chairman, I have the privilege of representing the great industrial east side of the city of Detroit, that part of Detroit that has produced and established probably the most marvelous record of production in the whole United States of America. I must disagree with my colleague from Michigan [Mr. HOFFMAN] when he attacks labor and labor leaders. First of all, I know that no man could get up here with bitterness and hatred in his heart for unions and union leaders and then argue intelligently about this legislation. I am not going to get too excited about what was said by the gentleman from the Fourth District of Michigan about labor leaders, but let me say to this House that we in Detroit are mighty proud of R. J. Thomas, George Addes, and other U. A. W. labor leaders and for the wonderful job they have done. We have been producing. Our industry has produced. It was not just management alone that can take credit for the work that has been done there. These labor leaders deserve credit because they have held down strikes and they have seen that production has been turned out. It is very unfair to come here day after day and attack those men when they are producing and have done such splendid work in our war effort. We are proud of the fact that strikes and lock-outs have been reduced to five one-hundredths of 1 percent of man-hours worked. That means that since Pearl Harbor industrial production has been 99.95 percent continuous.

The many antilabor bills being introduced in this Congress would be of no service to the war effort; on the contrary they could, if passed, be seriously detrimental to the production effort of our Nation.

A concerted effort is being made by some people in and out of Congress to attack the labor movement. These attacks do not arise on the basis of facts; rather they represent an attempt by antilabor and anti-Roosevelt elements to whip up public hysteria against our working people based on distortions, falsehoods, and appeals to prejudice.

The most highly publicized antilabor bill now before Congress is the Hobbs bill. The sponsors of this bill call it an Antiracketeering Act. We all agree that racketeering should be ended and that the punishments for racketeering should be severe. However, there is already an antiracketeering statute in Federal law which is called the Antiracketeering Act of 1934.

The trouble with the Hobbs bill is that it can be construed by the courts to prohibit and punish most of the legitimate activities of organized labor. Under its provisions a man who voted for a strike

or walked the picket line would run the risk of being sentenced to a maximum of 20 years in prison or to be fined $10,000, or both. Whatever the proponents of the proposed measure may say, the language of the Hobbs bill is so broad that it constitutes a serious menace to all that organized labor has struggled for, bled for, and even died for through many decades.

The original Antiracketeering Act of 1934 contains all the powers necessary to ferret out and adequately punish racketeers. In that original act, sections were included to protect organized labor in the lawful pursuit of its legitimate objectives. What the Hobbs bill would do is to delete and to remove those sections which protect the organizations of working people in their hard-won right to bargain collectively with management.

The provision of the original Antiracketeering Act of 1934 which the Hobbs bill would eliminate says that "no court shall construe or apply any of the provisions of this act in such a manner as to impair, diminish or in any manner affect the rights of bona fide labor organizations in lawfully carrying out the legitimate objectives thereof as such rights are expressed in existing statutes of the United States." Also in the original act is a section specifically prohibiting any attempt to direct its application against situations involving simply "the payment of wages by a bona fide employer to a bona fide employee." These two provisions were inserted as a result of representation by the Department of Justice which has the duty of enforcing the legislation. Thus, all that the Hobbs bill would do is to delete from the present law the two provisions inserted to prevent any distorted application of the law to destroy the lawful rights of labor.

The Hobbs bill is a bad bill. It is a vicious bill. If passed, it would pave the way for the destruction of organized American labor. Let us not fool ourselves. Success of bills like the Hobbs measure will pave the way for fascism in America in exactly the same way Hitler fastened the bloody tentacles of fascism upon the unhappy people of Europe.

We all know that Hitler's first act in his own country and in the unoccupied countries, once he had the power, was to destroy the unions of the working people. Hitler knows that fascism cannot succeed where a strong, democratic labor movement flourishes. Therefore, the labor movement of the United States is against the Hobbs bill. I am also against it, and many of my colleagues are against it.

There are a number of other antilabor bills which have reached one stage or another in this Congress, but this Hobbs bill appears to me to be the most dangerous because of the misleading language in which it is phrased. Let us contrast these efforts of the antilabor group with the record established by our unions so far in this war. In my congressional district the leading union is the United Automobile, Aircraft, and Agricultural Implement Workers of America, affiliated with the Congress of Industrial Organizations. This union is now the largest in the Nation, if not in the world. Its members have already purchased around $200,000,000 in War bonds and given $2,000,000 in Detroit alone for American and Allied war relief. More than 150,000 of its members are in the armed forces of the Nation. Furthermore, most of its members at home have brothers, sons, husbands, and friends in uniform.

In addition, the U. A. W.-C. I. O. has made an enviable record in the production field, which is, of course, its chief function. At least 75 plants, many of them huge in size and in productive capacity, under contract with the U. A. W.-C. I. O. have already been awarded the Army-Navy E for productive efficiency.

Let me name just a few: The aircraft division of the Briggs Manufacturing Co., Detroit; the Conners Avenue plant of the Briggs Manufacturing Co., Detroit; the Ford Motor Co.'s River Rouge, Mich., plant, the largest factory in the world; 8 plants of the Chrysler Corporation, 6 of them in the Detroit area; Continental Motors, in Detroit; 14 plants of the General Motors Corporation, 3 of them in Detroit and 9 of them in Michigan; the aircraft division of the Hudson Motor Co., Detroit; 4 plants of the Kelsey Hayes Wheel Co., 2 of them in Detroit, and all 4 of them in Michigan; the marine-engine division of the Packard Motor Car Co., Detroit; the Timken-Detroit Axle Co.'s plant in Detroit. Many other plants in Detroit and other sections of the country under contract with the U. A. W.-C. I. O. have been awarded the Army-Navy E. This is not all.

Some 40 war workers in Detroit U. A. W.-C. I. O. plants have received highly prized honor awards from the War Production Board for valuable suggestions for improving the quality and quantity of production.

In all plants organized by the U. A. W.-C. I. O. the union has either succeeded in having a labor management committee established or is doing all in its power to have one set up. The efforts of the U. A. W.-C. I. O. and the cooperation that has been established in many plants between the union and management has resulted in great gains to war production and therefore has been of invaluable aid in helping to win the war against the Nazis and the Japs.

If I dwell almost exclusively on the U. A. W.-C. I. O. it is because I am from Detroit and because this union is the largest in the country and probably the most aggressive in its will to do its part in winning the war. Other C. I. O. unions, the A. F. of L., and the Railway Brotherhoods have also established fine records in production and in buying War bonds, and in contributing to the armed services. Labor as a whole can be proud of the fact that strikes and lock-outs have been reduced to less than five one-hundredths of 1 percent of the man-hours worked. This means that since Pearl Harbor industrial production in this country has been almost ninety-nine and ninety-five one-hundredths percent continuous.

This illustrates very clearly that the C. I. O. and the A. F. of L. meant what they said when they pledged that they would abandon their hard-earned right to strike, which is overwhelmingly their chief economic weapon.

Let it also be said that it takes two to make a quarrel. In those relatively few instances where stoppages have occurred, we must not forget that labor is just one party to the dispute. Whatever the opponents of organized labor may say cannot obscure the fact that whenever there is a dispute, management is at least as much at fault as labor in most instances and frequently the chief cause of the trouble.

I think it can be reasonably said that the wisest course for this Congress to pursue in such matters is to promote good labor relations in our mills, our mines, and our factories by all means within its power. I am sure that it is along such a path that Congress could do most to aid in our national effort to improve and increase productive capacity so that we can win the war as quickly as possible. Such measures as the Hobbs bill can only hurt the war effort, and in addition reactionary legislation of this type, if adopted, can only mean the loss of our hopes to win the peace.

Mr. HOBBS. Mr. Chairman, I yield to the gentleman from Georgia [Mr. PACE] 1 minute.

Mr. PACE. Mr. Chairman, I would not detract from the pride which the gentleman from Michigan [Mr. SADOWSKI] feels for the workers in the Detroit area, but I would like to read a dispatch that appears in today's paper:

> A dispute that started when plant-protection men broke up a dice game in a lavatory halted production on armored war vehicles today at the Ford Motor Co.'s Highland Park plant, a company spokesman said.
>
> There was no immediate comment from spokesmen for the workers. The company spokesman said more than 500 men stopped work at 2:45 a. m. after the plant-protection men took the badges of the crap shooters and told them to report to the labor relations office.
>
> When the day shift came on duty at 6:30 a. m., an additional 2,700 men refused to go to work, he added. By 9 a. m. an additional 1,000 men in another unit of the plant had joined the stoppage.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. RUSSELL].

Mr. RUSSELL. Mr. Chairman——

Mr. BREHM. Mr. Chairman, will the gentleman yield for a question?

Mr. RUSSELL. I yield.

Mr. BREHM. The gentleman from Michigan [Mr. SADOWSKI] in his remarks stated that any member of organized labor voting in favor of a strike or engaging in peaceful picketing could under the Hobbs bill be subject to a fine of $10,000 or 20 years in the penitentiary. Upon the answer to the question, Is this correct? depends the way I will vote.

I want to know if that is a true statement.

Mr. RUSSELL. I cannot imagine any rubber material that could stretch as far as the imagination of mankind would have to stretch to reach such an erroneous construction. I say to the gentleman that it absolutely will not and it absolutely does not.

Mr. BREHM. That is all I wanted to know. I thank the gentleman.

Mr. RUSSELL. It would be a peculiar human being, and I might say a heartless wretch, who would want to fight labor. I cannot conceive a heart beating in the breast of a human being who would fight labor.

Mr. Chairman, when I say that, I mean honest labor. When we look about and see the dignities of labor and see what has been accomplished as the result of labor, every red-blooded American citizen naturally has to take his hat off to honest labor and to the dignities of labor.

The question involved in this act is whether the Celler amendment or the committee amendment shall be adopted. May I say, if you want some legislation and not a piece of paper, vote down the Celler amendment because it has been said, and cannot be successfully contradicted, that with the Celler amendment in here it leaves you right where it picked you up. You will only have a piece of paper with some writing on it without any force or effect.

Justice Byrnes says as much in his opinion when he gives the reasoning for holding as he did and that clause was read a few minutes ago by the gentleman from Michigan who stretches his imagination so extremely far. It is identical in substance and effect the same thing as the Celler amendment. If you want to do something by legislation at this time that will amount to something and accomplish results leave the Celler amendment out of it because I know just what it will do. If we are to consider the clause read a moment ago by the gentleman from Michigan which Justice Byrnes says was the authority for his holding and in the final analysis he did so hold in that case, you will find it puts us right back where we were.

Let us see if labor is in line with this or if this is against labor. Labor has said this is wrong. Every one of them who testified before the committee said such acts as we are seeking to legislate against were wrong. They said they had instructed their unions to desist from such actions, that it was wrong, and in so doing they plead a confession, then come along with the avoidance and say, "Well, we have stopped these things and it is not necessary now." That is the avoidance. "We have stopped it now and it is not necessary," they say.

May I say if you put the Celler amendment in this act you are going to find yourselves in the same boat you were in before this legislation was enacted because upon substantially the same provision in the act of 1934 Justice Byrnes held that members of a labor union were exempt.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I am not a lawyer. I am one of those 205 as against the 230. It seems to devolve upon us to interpret for the lawyers at the present moment. How they differ today. It is necessary for us to take the usual role as jury after listening to attorneys on both sides of the question. Your farmers could not get into New York without paying tribute. My fishermen could not get in either. I should also make an appeal in their behalf.

Undoubtedly this bill will be passed. I have listened carefully and I must make up my mind whether the bill would be emasculated by the Celler amendment. The gentleman from New York [Mr. CELLER] says that the committee amendment is not affirmative, and that when action is brought under the Hobbs bill they could not plead that the other acts were persuasive in a defense. I can hardly believe that, and you lawyers do greatly confuse us. It is hard to understand the effect of some of the provisions that are written by the lawyers in this bill and if it had not been for the gentleman from Pennsylvania [Mr. GRAHAM] I would still be more uncertain. He has resolved some of my doubts. Of course a defense can be made by relying on the enumerated act. Surely it could be sufficient defense, to be carried to the Supreme Court. I am particularly interested in this bill inasmuch as my city last week had an important election. It seemed generally agreed that the A. F. of L. would win, but the C. I. O. won. Now, they will be at loggerheads with each other and I sincerely hope that there will be no acts of violence. The provisions in this act may provide a basis of defense for such acts. The gentleman from New York [Mr. CELLER] wants an affirmative declaration to provide for absolute exemptions. From these 230 lawyers, how easily one could get their own favorable interpretation.

Mr. CELLER. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from New York.

Mr. CELLER. The section to which the gentleman refers provides that the act must be lawful under those four specific acts.

Mr. GIFFORD. Yes; lawful. The Supreme Court has declared that plainly unlawful acts may be considered lawful. It is not convincing.

The gentleman from New York [Mr. FISH] spoke about that great patriotic organization, the A. F. of L. I am inclined to believe that it is a great patriotic organization, but still there comes to me the memory of the $75 fee that my neighbors had to pay to work for a few weeks on defense undertakings. I cannot think they are so very patriotic at times. Seventy-five dollars as a fee to work on a defense project for 6 weeks. Patriotic? Maybe. Still that rankles within me and I wonder if they are really intensely patriotic. Let us hope that on the whole perhaps they are.

Why do you lawyers insist on this "Provided, however"? If we wish to stop racketeering, why do we not do it without providing loopholes? I like to follow the gentleman from Iowa [Mr. GWYNNE]. He says he has thought this over carefully and that he cannot find anything harmful in these provisions. Perhaps I should rely on his judgment. However, I do not want a delaying defense provided when prompt action is desired. Would it not be sufficient to simply define racketeering? Do you not think that that $75 fee was extortion and robbery? However, there seems to be no redress even under this bill. Again, beware of these lawyers who desire to complicate and provide too many defense provisions that they may make profitable cases for themselves.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBBS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WRIGHT].

Mr. WRIGHT. Mr. Chairman, there are a good many people who have been active in organized labor who feel that this bill is designed to injure their legitimate interests. Many Members of the House who have always defended the rights of organized labor deny this. I believe that if we want to be sincere we should adopt the Celler amendment. I do not think it emasculates the bill. The only thing it takes out of the purview of the act is the legitimate activities of union labor.

I think that if we want to be sincere and prove that we do not want to hurt the cause of organized labor we should in addition restore that other guaranty that this bill will not be used for persecution, we should restore to the bill the provision that prosecutions must be instituted by the Attorney General. That has been removed. I disagree with my colleague from Pennsylvania, although I always pay a good bit of tribute to his legal ability. I do not believe it is in the act presently before us. I agree with the gentleman from the minority who spoke here just a few moments ago who stated that it is not in the Hobbs bill. I do not believe sufficient attention has been paid to that provision. If it was in the act before, and if it has been said that the only reason we are passing this bill today is so we can bring the unauthorized acts of organized labor within the purview of this statute, why do we have to take away this guaranty that prosecutions must be instituted by the Attorney General? If we want to be sincere and want to pass a bill that will do good and not be misinterpreted and used as a club over decent hard-working people, let us amend the bill in the particulars I have suggested, and I think you will find, in spite of the representations from back home from labor organizations against it, that a good many of the Members who are very zealous about the rights of organized labor will vote for it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HANCOCK. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the turn the debate has recently taken indicates what the issue in this discussion really is. It involves the relative merits of the so-called Celler amendment and the committee amendment.

Let me call your attention to what the committee amendment does. We all know that when we pass a new statute which is at variance with an old one the new statute supersedes and repeals the old one to the extent of the difference. So that we will be absolutely certain not to repeal or interfere with any of the rights labor has under the various statutes specified in the committee amendment, we specifically state that this act shall not repeal, modify, or affect any of the provisions in the laws mentioned, which together constitute labor's bill of rights. Labor's lawyers should ask no more than that. The amendment reaffirms and preserves the rights which the law has given to labor.

On the other hand, the Celler amendment is adroit and tricky. There is more to it than meets the eye. It provides that no act which is lawful under the various labor statutes which are specified shall constitute a violation of this act. Everyone concedes it is lawful to seek jobs. Under the Byrnes decision it is lawful to use any amount of violence necessary to obtain employment, and by using force to obtain employment a man may establish a bona fide relationship of employer and employee. If the Celler amendment is adopted, it can be argued that Congress intends to exempt the very offenses we all know this amendment is designed to reach.

I suspect that nearly all the Members have received in the past few weeks a great many letters, telegrams, and postal cards protesting against the passage of the Hobbs Antiracketeering Act on the ground that it is hostile to labor. These communications come from men who never read the bill and have been misinformed as to its contents and its purposes. I have not the slightest doubt they are good law-abiding citizens who would favor the bill if they understood it.

The bill is not aimed at labor. It is directed against robbery and extortion when used to obstruct the free flow of goods in interstate commerce, no matter who the offenders may be.

Such a law is already on the statute books—the Antiracketeering Act of 1934, which was sponsored by the late Senator Copeland. But that law has been partially nullified by what I regard as the labored reasoning of Mr. Justice Byrnes in the recent case of U. S. against Local 807. Five of his New Deal associates on the Court—Justices Black, Reed, Frankfurter, Douglas, and Murphy concurred. Chief Justice Stone dissented in a strong, and to me, a convincing opinion. Justices Roberts and Jackson did not sit in the case.

That decision makes this amendment to the Antiracketeering Act of 1934 necessary, unless we are willing to allow the Byrnes opinion to stand as the permanent law of the land in cases where the circumstances are similar.

In recent years, under the benign influence of the New Deal, a few labor czars have become avaricious, arrogant, and defiant. They have prayed on their own membership, on members of rival unions, on nonunion workers, and on the public. They have cast discredit on organized labor and have embarrassed the millions of decent working men. Among the worst offenders have been certain locals of the Teamsters Union in New York City.

In that city, Local 807 asserted that its members had the sole and exclusive right to drive trucks of farm produce through the streets of New York to the Washington Market. Farmers driving their own trucks, carrying their own produce for delivery to their own customers, were waylaid on the outskirts of the city and compelled by physical violence to hire, or, at least, to pay a day's wages to members of Local 807 before they could proceed to market. Sometimes a member of the union would actually drive the farmer's truck through the city, but more often the farmer rejected his services or the teamster refused to perform any services for his so-called wages. The tribute thus exacted frequently amounted to all or a substantial part of the profit the farmer hoped to make on the sale of fruits and vegetables which he had raised by the sweat of his brow and which he had driven many long miles to deliver.

For these outrages a number of teamsters belonging to Local 807 were indicted for conspiracy to violate the act of 1934. They were tried and convicted by a jury in United States District Court. Eventually the case reached the Supreme Court on appeal and the Supreme Court reversed the conviction in the decision I have mentioned.

There is no dispute about the proven facts in the case. They are clearly and succinctly set forth in the opinion written by Chief Justice Holmes:

> Respondents, who are members of a labor union, were convicted of conspiracy to violate the Antiracketeering Act. They, or some of them, lay in wait for trucks passing from New Jersey to New York, forced their way onto the trucks, and by beating or threats of beating the drivers procured payments to themselves from the drivers or their employers of a sum of money for each truck, $9.42 for a large truck and $8.41 for a small one, said to be the equivalent of the union wage scale for a day's work. In some instances they assisted or offered to assist in unloading the truck and in others they disappeared as soon as the money was paid without rendering or offering to render any service.

The defendants were indicted under a provision of the 1934 act, and the conspiracy provision relating thereto, reading as follows:

> SEC. 2. Any person who, in connection with or in relation to any act in any way or in any degree affecting trade or commerce or any article or commodity moving or about to move in trade or commerce—
>
> (a) Obtains or attempts to obtain, by the use of or attempt to use or threat to use force, violence, or coercion, the payment of money or other valuable considerations, or the purchase or rental of property or protective services, not including, however, the payment of wages, by a bona fide employer to a bona fide employee; * * * shall, upon conviction thereof, be guilty of a felony and shall be punished by imprisonment from 1 to 10 years or by a fine of $10,000 or both.

Justice Byrnes held that when Congress used the language "not including, however, the payment of wages by a bona fide employer to a bona fide employee," we gave legislative sanction to the acts complained of in the indictment. He held that because of this language we intended to recognize a bona fide relationship of employer and employee when a member of a union obtains money or property from another no matter what degree of violence is used, provided the ostensible purpose is to obtain wages. According to that decision any thug belonging to a teamster's union may climb on a farmer's truck, beat him over the head with a club and extort a day's pay as a truck driver whether he performs any services or not, and Congress so intended when the Act of 1934 was passed.

If that construction of the law is allowed to stand, a gang of teamsters can hold up every car and truck crossing the bridge into Virginia, and compel the owner or the driver to hire one of them at his own terms to drive the car through the State.

Here is the reasoning of the learned Justice Byrnes:

> The mischief of a contrary theory is nowhere better illustrated than in industrial controversies. For example, the members of a labor union may decide that they are entitled to the jobs in their trade in a particular area. They may agree to attempt to obtain contracts to do the work at the union wage scale. They may obtain the contracts, do the work, and receive the money. Certainly Congress intended that these activities should be excepted from the prohibitions of this particular act, even though the agreement may have contemplated the use of violence. But it is always an open question whether the employers' capitulation to the demands of the union is prompted by a desire to obtain services or to avoid further injury or both. To make a fine or prison sentence for the union and its members contingent upon a finding by the jury that one motive or the other dominated the employers' decision would be a distortion of the legislative purpose.
>
> As we have said, the jury was bound to acquit the defendants if it found that their objective and purpose was to obtain by the use or threat of violence the chance to work for the money but to accept the money even if the employers refused to permit them to work.

The views of the Chief Justice are summed up in this brief quotation from his opinion:

> There is abundant evidence in the record from which the jury could have concluded that respondents, or some of them, conspired to compel by force and violence the truck drivers or their employers to pay the sums of money to respondents or some of them; that the payments were made by the drivers of truck owners to purchase immunity from the violence of respondents and for no other reason; and that this was the end knowingly sought by respondents.

I can only conclude that such conduct accompanied by such a purpose constitutes a violation of the statute.

Thank Heaven, not all of the "nine old men" have left the Supreme Court of the United States.

You cannot find many laboring men who defend the acts described in the Local 807 case. In the minority report accompanying this bill, it is pointed out that Mr. Daniel Tobin, president of the teamsters' union, disavows the practices of the union involved in the Local 807 case and has issued orders prohibiting such outrages in the future.

The minority report and the opponents of this bill claim that it is an attack on labor. Such a charge is wholly false. They urge that the bill should not be passed because of the tremendous contribution labor is making in our war effort. Perhaps these gentlemen feel that this type of argument will ingratiate them with workingmen. They insult labor by overlooking the fact that workingmen are as law abiding as any other group in this country and that no one is more eager to get rid of the thugs and gangsters among them than they are.

I do not need any lecture from the opponents of this bill to know that the rank and file of labor is patriotic. Their sons and brothers are fighting beside yours and mine. We are the same sort of people, with the same hopes, aspirations, emotions, and loyalties, no matter what our jobs are, despite the efforts of the radical groups among us to line up Americans into antagonistic classes. It will not work, so long as we have free schools, free speech, and a free press.

The opponents of the bill say it is not necessary. I say it is. Under the act of 1934, as construed by the Supreme Court, robbery and extortion, as described in the Local 807 case, are lawful acts. This is the law of the land today. We must not allow it to stand. This bill eliminates the language on which that amazing decision was based and with the committee amendment preserves all the rights of honest labor.

Mr. HANCOCK. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. JENNINGS].

Mr. JENNINGS. Mr. Chairman, this bill proposes to correct the condition brought about by the holding of the Supreme Court of the United States in the case of those convicted for robbing and beating up farmers and truckers from New Jersey, Pennsylvania, and other States who brought their produce from their farms to New York City for sale. That opinion casts a reflection upon the Congress of the United States and upon the law-abiding union labor of the Nation. It holds expressly that Congress, by the language used in the act of 1934, meant to legalize robbery by the use of force, by beating men, by holding them up when they are engaged in interstate commerce. It holds that such acts are habitual and customary acts on the part of labor unions.

I deny both of those assertions. It is not a customary practice of the labor unions of this country to indulge in that sort of conduct. It was not the purpose of the Congress, and I do not think it is the purpose of this Congress now to legalize that sort of conduct. I have had one letter from one man in my district protesting the passage of this bill. In my district today there are more than 50,000 loyal, patriotic, law-abiding men and women and boys and girls engaged in vital defense industries. Not one of them will ever commit any of the acts made unlawful by this bill now before us for consideration. They are not interested in the racketeers of the State of New York. They are giving their all to win this war.

I can tell you how every citizen, every man, woman, and child in this country, can avoid the penalties of this act and that is to refrain from interference with interstate commerce through acts of violence and illegal conduct such as are denounced by this bill. This measure will not suspend, impair, or destroy any of the protection thrown around labor by the laws passed by Congress. It so provides in no uncertain terms.

The bill provides that it shall be unlawful to interfere with the movement of our armed forces and with the necessary transportation of the implements of war. Who is it that will say that ought not to be the law?

If I wanted to hurt labor, if I wanted to bring it under the condemnation of the public opinion of this country, I would line up for and support the Celler amendment. I shall support the committee amendment. And in so doing I will render a greater service to the working people of this country than are those who are opposing this measure.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. HOBBS. Mr. Chairman, I yield 4 minutes to the gentleman from Mississippi [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman, I ask unanimous consent to speak out of order and to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ABERNETHY. Mr. Chairman, I hesitate to impose myself on the Committee during the consideration of this important measure for the discussion of a matter not related thereto, but a recent novel regulation has been promulgated down at the W. P. B. offices by a self-styled important gentleman, which I think would be of interest to the Members of the House.

LATEST REQUIREMENT TO SECURE W. P. B. PRIORITY—CRYING

There are some who delight in coming down into the Well of this House to make a general blast against the bureaucrats. I do not approve of this practice unless the charge be made against the specific person responsible for the action complained of. That I shall now do. The person will be named. I shall be specific. I have a just complaint.

On last Saturday afternoon one of my constituents, a small businessman, called me over long distance, soliciting my aid in expediting an application which he had filed with the War Production Board for a priority on certain equipment. He talked to me for about 20 minutes over 1,000 miles of long-distance lines, which entailed no little expense. His need was urgent. The call so indicated.

After working through a mass of telephones in the War Production Board, they finally located this file, which had been handled by one Mr. Joe Miller in the office of the Rubber Director. On presenting, in a respectful manner, my constituent's urgent and seemingly most worthy case, the said Mr. Miller, attaching much importance to his bureaucratic self, without even a slight display of sympathetic consideration for this small businessman, gruffly and promptly solved the problem with a retort that there were several thousand others "crying just as your constituent is," using his exact words. He proceeded to say that one "cry" was not sufficient and that my constituent would have to "cry twice, or even three or more times, before the case"—again using his exact words—would receive further consideration from him. He suggested that I wait a while with patience, that my constituent would undoubtedly be calling him over long distance not later than the Monday following, and then he, the important Mr. Miller, might condescend to give consideration to the case.

Naturally, I was astounded, and so expressed myself. Mr. Miller then arbitrarily replied that the case, so far as he was concerned, was closed several days ago; that it would remain there, irrespective of my request, and would not be reopened unless and until I petitioned a reopening through Mr. W. J. Hays, W. P. B. legislative liaison officer. And may I here add that Mr. Hays has been helpful and very courteous.

In other words, a Member of Congress is not privileged to discuss matters with Mr. Miller. A Member of Congress, who is the elected representative of the people, cannot petition his Government through the bureau-appointed Mr. Miller. Why, Mr. Miller is too important to be taking up his time with a Member of Congress. Mr. Miller insists that you go the long red-tape route to reach him. Mr. Miller has no sympathy, no regard, no consideration for the taxpaying businessman back home, who is struggling to keep a little business going. Mr. Miller puts no faith in the first petition of your constituent. Mr. Miller insists that your constituent petition, or "cry" as he puts it, at least three times. Mr. Miller forgets that he is a public servant. His consideration for the average sacrificing American citizen is cold and arbitrary. His attitude, on the occasion in question, was a downright contemptible, outrageous, pusillanimous insult to the Members of this Congress.

Mr. Miller needs another job. He ought to be fired. And Mr. Donald M. Nelson will please take notice.

Mr. HANCOCK. Mr. Chairman, I yield now to the gentleman from New York [Mr. BUTLER].

Mr. BUTLER. Mr. Chairman, this bill is an amendment to the antiracketeering law of 1934, but the only material change which the adoption of this amendment would make in the existing antiracketeering law is the elimination of the clause which protects trade unions, engaged in their legitimate functions, against persecution under it.

I believe that every fair-minded person must recognize today that organized labor stands in the forefront of the successful prosecution of the war effort. The passage of this amendment would be an attack upon labor and would destroy much of the unity that now exists between employers and labor.

The amendment is particularly dangerous because it seems reasonable enough that labor should not be permitted to racketeer, and to persons who do not know the facts, that seems all that this amendment would do, but the wording of the antiracketeering law is so wide that demands for increased wages could be considered racketeering.

Racketeering in my opinion is a fraudulent scheme or unlawful method to gain money or other transferable materials. If you know these things exist, we have plenty of laws to take care of such cases without any new laws enacted or amendments to present laws.

I think if our present laws were enforced where it is necessary, we could clear this whole thing up in short order. It is an admittance when we say there is racketeering, as racketeering is unlawful any time and any place, and our antiracketeering law has been enacted to take care of this crime.

My objection to this bill lies in its wholly unwarranted reflection on the working men and women of our country. I think it very unfair to place them in the class of racketeers and enact a law to protect the country from their so-called crimes. Criminal antilabor legislation is not a suitable award for the loyalty and splendid cooperation of our laboring people. It seems to me that this bill, under the guise of protecting the American people against racketeering, has no other purpose than the persecution of organized labor.

Mr. HANCOCK. Mr. Chairman, I yield the remainder of my time to the gentleman from Indiana [Mr. SPRINGER].

The CHAIRMAN. The gentleman from Indiana is recognized for 10 minutes.

Mr. SPRINGER. Mr. Chairman, this measure which is now before the House comes as the result of an unfortunate decision made and entered by our highest court. This is a bill by which we are attempting to correct a situation which has resulted from that decision, and this bill will do two things: First, it will prevent interference with interstate commerce by robbery and extortion. In the second place, it will prevent interference during the war with the transportation of troops, munitions, war supplies, and of mail, and that relates to either interstate or foreign commerce. Returning for a little while to the case of the United States against Local 807, I mentioned awhile ago that this was an unfortunate decision. I think it is a most unfortunate decision. Under the old law of 1934 this case proceeded under sections 2 (a), 2 (b), 2 (c) of that act, and those particular provisions I read now so that the membership may know just what they were. Section 2 (a) reads as follows in part:

> Any person who in connection with or in relation to any act in any way or in any degree affecting trade or commerce or any article or commodity moving or about to move in trade or commerce, obtains or attempts to obtain by the use of, or attempts to use or threat to use, force, violence, or coercion—

And so forth. Those are the strong charging words of that particular subsection.

> Subsection (b). * * * obtains the property of another with his consent, induced by wrongful use of force or fear, or under color of official right.
>
> Subsection (c). * * * commits or threatens to commit an act of physical violence or physical injury to a person or property in furtherance of a plan or purpose to violate sections (a) or (b).

Those are the subsections that I read and which are just preceding. In that case there was evidence introduced, and I wish to call your attention to a few of the statements of that evidence which was introduced on the trial of that case. I think this evidence is highly important. This is what the Court said in deciding the case:

> There was sufficient evidence to warrant a finding that the defendant conspired to use, and did use, violence and threats to obtain from the owners of these over-road trucks $9.42 for each large and $8.41 for each small truck entering the city. These amounts were the regular union rates for a day's work—

Not an hour's work, not 2 hours' work, but those were the union rates for a full day's work.

> There was proof that in some cases the out-of-State drivers were compelled to drive the truck to a point close to the city limits and there to turn it over to one or more of the defendants. These defendants would then drive the truck to its destination, do the unloading, pick up the merchandise for the return trip, and surrender the truck to the out-of-State driver at the point where they had taken it over.

That was when he turned it back to the farmer, or to the laboring man himself, who was in charge of the truck and contents; and I know of a case where the laboring man was attempting to take some of his own produce into one of these large cities, and some of these racketeers held him up, and this particular man belonged to their union. The racketeers made him pay tribute.

I now continue to quote from the judge in his decision:

> In other cases, according to the testimony, the money was demanded and obtained, but the owners or drivers rejected the offers of the defendants to aid or help with the driving or unloading, and in several cases the jury found, and could have found, that the defendants either failed to offer to work, or refused to work, for the money when asked to do so.

Mr. Chairman, this is the evidence upon which the judge who delivered the opinion of the court based that decision. The opinion quotes the above statement as a part of the evidence in the case—and no one can question the evidence which was given during the trial of the case, and no one can question that evidence when the judge quotes the same in his opinion in the case. That was done here.

That, the judge found, was a fact in this case. The court found that as a fact. That is a part of the decision. That is a part of the court's opinion. It is a part of the very facts upon which the judge stood and rendered his decision in this case. Mark you this: These were American citizens who drove to that city, men of every walk of life; honest, poor, but thrifty Americans, striving and struggling to earn a livelihood in a free country, and then to have taken away from them their truck, or the mode of transportation they were using, together with their property, and they were compelled in many cases to pay tribute which amounted to all their profit on all the produce they had, all they were attempting to deliver. So, in part, those are the facts in this case. I stated a while ago it is a most unfortunate decision. Further, I want to read some of the language which has been written into the decision and which is a part of it.

Mr. Chairman, the decision contains a discussion on the question of whether the money which was exacted from the drivers was paid "as wages for labor, or whether it was paid for protection." This question is discussed at length in the decision. I wish I had the time in which to go into the details of this anomolous decision, as it would be enlightening to the Members of the House to fully understand its import. Suffice it to say, that there has never been a decision comparable to this one, and I am convinced we will never have another decision in this country which approaches this decision in the length to which it has gone in destroying the right to contract and employ men, and to have the right to own, hold, and possess property in this country.

May I say, Mr. Chairman, that in the district which I represent we do not look upon this measure as a labor bill. This is a bill which applies to everyone alike. This bill applies to every American citizen, and it is intended to prevent robbery and extortion in matters of interstate commerce, and under title II of the bill it is intended that all interference will be prevented during war with the transportation of troops, munitions, war supplies, or mail, in either interstate or foreign commerce. In the district I represent, and in the State of Indiana, we do not have any laboring men who would indulge in robbery or extortion, in matters where interstate commerce is conducted.

Our laboring men are patriotic, they are loyal to our country, they are bending their backs with every other American to aid in winning this war. They do not subscribe to any policy whereby any man, or men, who hold membership in a labor union go forth and engage in hijacking and hold-ups and extort money and property from other Americans. Our laboring men in Indiana observe the law—and they want to continue to obey the law—and they look

with disfavor upon any American who indulges in such unlawful acts and practices. The honest and upright laboring men, such as we have in Indiana, do not fear any law of this character, because it will not bring them within its folds; they will not violate its provisions. They want the people protected from racketeering and hijacking, and they want to be protected from those unlawful acts themselves.

Concluding, Mr. Chairman, may I commend to the Members of the House this legislation. We are engaged in a frightful war. We must deliver gasoline, sugar, coffee, meats, and foods and every needed commodity in the channels of interstate commerce; we must send our troops—the boys of our community who are now in the armed forces of our country—and we must send war munitions and war supplies and the mail, and all of these must be protected by the strong arm of the law. This is war. We must make secure our property, our boys in the service, and the United States mail. There is no American who could object to that procedure, nor who could register a worth-while protest against the provisions of this bill when it is fully understood.

[Here the gavel fell.]

Mr. HOBBS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Chairman, in the brief time allowed to me I want to discuss subsection (b), the robbery section, and direct your attention to the fact that in the amendment which it is proposed to offer, the four acts to which reference has been made, are specifically not repealed; and in addition to that, this word is to be found in the first sentence of that subsection:

> The term "robbery" means the "unlawful" taking.

So when the Government comes to make out its case it would have to prove, even without the exception of these acts, that the term "robbery" means the "unlawful" taking; not only the taking in the method detailed in this act, but if the defendant could find anywhere not only in those four acts, but anywhere in the criminal law, privilege or permission to take this money by the method resorted to, he would be entitled to a verdict of "not guilty."

In the face of that fact, my friends who have the responsibility of being statesmen in the movement of organized labor, at a time when everybody who understands the situation knows that that movement is moving rapidly away from the support of public opinion, just as business did a few years ago, and faces the supreme crisis of its existence in America at this minute, I say in a situation like that, my friends who hold high duty to be statesmen in the ranks of organized labor are insisting upon the defeat of this legislation. It does not mention organized labor, it is true, but organized labor is being placed in the attitude of wanting to be excused and excepted from this general language which denounces the taking of property from another by robbery and extortion. Another's property. Do you get that? The property that belongs to another person. Taking it from him. Against his will, by means of actual or threatened force or violence or fear of injury, immediate or future, to his person, and so forth. Now, think of that and think of Members of this Congress, friends of labor—and many of you are—putting organized labor in such a position at a time when everybody knows that its position insofar as its hold on public opinion is concerned, is the most shaky it has been since organized labor began in America. It does not make sense.

If ever on this earth organized labor needed to clean its ranks, it is now. I have people, fine people, who belong to organized labor, high-class citizens. I do not make any claim to be a representative of organized labor. I represent the people of my district. This bunch of racketeers and hijackers are a disgrace to every decent American citizen who belongs to organized labor. We are a democratic people in Texas. There are no lines of cleavage among my people. Many of my people are not far removed from the farms and ranches. They would be incapable of crawling on the wagon of a farmer coming to town to sell the fruits of his toil, threatening him, beating him up if he did not submit to being hijacked and then claiming protection in the name of organized labor. It is just such people as that and such actions as that which is losing for the labor movement the support of public opinion not only on the outside but within the ranks of labor itself. To stop this high-handed brutal treatment by a lot of city thugs of peaceable citizens trying to earn an honest living, working people themselves, is the sole objective of this particular item of legislation. It does not touch any other interest or problem of what is known as the labor question or the controversies with reference to organized labor as it is practiced. Just the one thing. I am not speaking of the transportation title.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HOBBS. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN. The gentleman is recognized for 2 minutes.

Mr. HOBBS. Mr. Chairman, I am going to ask the undivided attention of the membership, while I close this debate. The first point I want to make briefly is that this is not an anti-labor bill, no matter who says it is. I introduce in evidence in support of that contention, first, that this bill comes from the Committee on the Judiciary of the House of Representatives which was criticized by no less authorities than Judge Howard Smith and Judge Eugene Cox before the Rules Committee the other day as being "the graveyard of labor bills." Therefore, when a committee like that, which has a reputation and is characterized as being the graveyard of anti-labor bills, brings you a bill, it is pretty good evidence that it is a fair measure.

The next point I want to make in support of that contention is that you are pretty near the middle of the road when neither of the extremes agree with you. We have the gentleman from Michigan [Mr. HOFFMAN] and the distinguished columnist, Westbrook Pegler, inveighing against this bill because it is a rope of sand or a drink of water. We have Mr. Padway and Mr. Tuttle inveighing against it because it means the crucifixion of organized labor. Of course, neither of those extreme views affects us. We have solemnly considered this matter for more than a year and we bring you a bill that is sound. The real reason of the opposition from the labor lawyers, it is not from the rank and file, is because it will do the job and the single job that it sets out to do.

I want to call your attention to just one thing, if I may. I want everyone of you to listen to this, because it is my solemn pledge. If any man, woman, or child in the world will show me how any honest law-abiding member of organized labor can be affected by this bill, I will either offer an amendment correcting that threat, or I will vote against my own bill.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield.

Mr. HOBBS. I only have 2 minutes for this.

Mr. MARCANTONIO. I do not want to take the gentleman's time, but the gentleman has just asked a question which I would like to answer.

Mr. HOBBS. I want it shown.

Mr. MARCANTONIO. All right. In connection with a strike, if an incident occurs which involves——

Mr. HOBBS. The gentleman need go no further. This bill does not cover strikes or any question relating to strikes.

Mr. MARCANTONIO. Will the gentleman put a provision in the bill stating so?

Mr. HOBBS. We do not have to, because a strike is perfectly lawful and has been so described by the Supreme Court and by the statutes we have passed. This bill takes off from the springboard that the act must be unlawful to come within the purview of this bill.

Mr. MARCANTONIO. That does not answer my point. My point is that an incident such as a simple assault which takes place in a strike could happen. Am I correct?

Mr. HOBBS. Certainly.

Mr. MARCANTONIO. That then could become an extortion under the gentleman's bill, and that striker as well as his union officials could be charged with violation of sections in this bill.

Mr. HOBBS. I disagree with that and deny it in toto.

Mr. MARCANTONIO. Then, let us put in a provision providing against such an interpretation.

Mr. HOBBS. To put in a provision covering every suggestion anybody can make on the floor after the committee has studied the bill probably a year is perfectly ridiculous. The gentleman, good lawyer that he is, knows that all that is needed and all that we are trying

to do today is to pass a law without leaving loopholes through which the guilty may escape.

Now, Mr. Chairman, let me make an orderly presentation of the case for H. R. 653.

Some years ago a New Jersey truck farmer made the mistake of thinking that this was a free country. He and his wife and sons had worked from planting time to harvest and had produced and gathered a crop of cauliflower. They contracted to deliver a truckload of cauliflower to the shipside at a New York pier ever so often. The first time they left home long before day. Upon arriving in New York City in the darkness before dawn they were stopped by goons who patiently explained to them that their idea of freedom was a myth; that Local 202 had exclusive jurisdiction of all deliveries of perishable products in New York City and that they would have to pay tribute to an escort before that truckload of cauliflower could be delivered to the shipside. The farmer and his two sons were not persuaded. They were free-born Americans and clung obstinately to their preconceived prejudice that the highways and streets were free to all. There being three of them and only four goons, they fought them off and drove on to the shipside. Upon arrival there, there were more than four to show them the error of their way. They still remonstrated and began to unload the hampers containing the cauliflower, so their truck, its load, and the farmer and his two sons were all thrown into the river. Police officers deserved and were given full credit for helping to save the father from drowning. No arrests were made. No prosecution followed.

Since this case the pattern has become more clearly delineated and standardized. All over the Nation this pattern has become manifest.

Farmer Brown is driving his own truck, properly licensed, and loaded with produce he had raised on his own farm. He is going to the Washington Market in New York City to deliver his farm products toward the sustenance of the teeming millions of that metropolis who are dependent upon him and thousands of other farmers for their daily food. As he emerges from Holland Tunnel, four "gentlemen" jump on his running boards. They demand $9.42. They have their answer ready for his resentful question "For what?" They explain to him patiently, and with the pained expression of a teacher talking to a stupid child, that no one but a member of Local 202 of the teamsters' union can deliver farm products in New York City. Farmer Brown may argue if he pleases; he may even drive to the Washington Market, but sooner or later he will find that he had better pay, and he does.

Had Farmer Brown driven his truck to Scranton, Pa., he would have been stopped on the bridge. The tribute levied would not have been quite so much—but then Scranton is a smaller city.

The Virginia variation of the racket was that his truck would have been stopped within a block of destination and the load transferred to a union truck which would then haul the load two or three hundred feet and make delivery to the consignee for a small consideration of $7.50.

Had Farmer Brown sent his load to market on the truck of one of his neighbors who owned a truck and hauled the produce of the neighborhood, he would have been stopped just the same; and, of course, if Farmer Brown's load moved to market on an over-the-road or commercial truck, the stoppage would have been even more gleeful.

Had Farmer Brown taken the precaution to employ a member of the teamsters' union to drive his truck to New York, it would have made no difference whatsoever for his membership would have been in some local in Pennsylvania or New Jersey and the jurisdiction over New York City is in Local 202.

Farmer Brown's name is legion. He is typical of the farmers all over the Nation. Whether his load be lemons, oranges, or asparagus from California, "Delicious" apples from the Yakima Valley in the State of Washington, Idaho potatoes, Minnesota beef cattle, miscellaneous fresh fruits and vegetables, or milk from the farms of Pennsylvania or New Jersey, the story is the same.

This story, in its essential details, was abundantly verified by the testimony of witnesses in the hearings before the subcommittee of the House Committee on the Judiciary last year.

Please do not gain the impression that farmers are the only victims of racketeering.

Realizing as I do how busy each and every one of you ladies and gentlemen of the House are, I am afraid that many of you have not had the time to read the 429 pages of the hearings Subcommittee No. III of your Committee on the Judiciary held on the precursors of the pending bill, simultaneously with two other bills, a year ago. I sincerely wish that each of you had read the printed booklet in which those hearings are set forth. I wish that I had time now to read them to you. But this is just as impossible as for you to find time from your pressing and manifold duties to read them for yourselves. So I will read a few excerpts from the testimony of Hon. Joseph B. Eastman, beginning on page 365:

Now, these things are going on. Let me read a letter which I took from the files of the section of law enforcement of the Bureau of Motor Carriers. This is a copy of a letter which was written by the Sanitary Co. of America to the Department of Justice, and it is rather interesting.

The letter referred to is as follows:

"APRIL 2, 1942.

"DEPARTMENT OF JUSTICE,
"Washington, D. C.

"GENTLEMEN: On March 31, we made a delivery of 893 lengths of pipe to pier 8, East River, New York City. This material was for export to the War Department, and carried a priority of A–1–C.

"When the trucks arrived at the pier, they were stopped by union men, and advised that they could not unload the trucks on the pier unless union men were placed on the trucks.

"To do the unloading they asked $17.35 for each truck, and since there were two trucks, the total cost would have been $34.70. However, after considerable argument, the owner of the trucks, Mr. Edgar Nettles, Limerick, Pa., persuaded them to unload the two trucks at a total cost of $17.35, for which amount he received the following receipt:

" 'MARCH 31, 1942.

" 'Received for driver and helper, $17.35 for one truck at pier 8, East River.

" 'Driver ---------- $10.27
" 'Helper ---------- 7.09

" 'H. HYMAN.

" 'Local 807—[redacted]—Ledger 4899.
" 'C. Romano—[redacted]—7361—Ledger.'

"Our carriers have been stopped repeatedly, especially at the piers in New York City, and have been forced to pay various amounts to have their trucks unloaded.

"These union men will recognize men of no other union, nor will they allow any drivers to join their local union in New York City.

"They are seemingly interested in nothing except a collection of various amounts from truckers from out-of-State points making deliveries in New York City.

"In one instance, the driver of the truck was a member of an American Federation of Labor drivers' union; when he arrived at the docks, he was also forced to pay, because they would not recognize his union.

"As this condition is making the cost of transportation to New York City prohibitive, and since the carriers are operating under rules and regulations of the Interstate Commerce Commission, we feel that this is nothing more than a hold-up, and is absolutely wrong in every respect.

"These hold-up men in New York City state that the Government has recognized their union, and that they have a perfect right to make these charges. We do not doubt that the Government has recognized their union the same as any other union, but we doubt very much whether the Government would sanction the assessment of such charges for the unloading of a truckload of material.

"We are, therefore, asking to have an opinion from you, as to what can be done to do away with these additional charges. If this thing continues, it will be absolutely impossible for our company to make any deliveries to New York City, as our company works under the ceiling price as established by the Office of Price Administration, and cannot afford to pay these charges, nor can the trucking company.

"We, therefore, anxiously await your reply.

"Very truly yours,
"SANITARY COMPANY OF AMERICA,
"H. D. RITTER, *President*.

"CC: Interstate Commerce Commission,
"Senator Davis,
"War Production Board,
"Office of Price Administration.

That is an illustration of complaints which, during the past several years, have been brought to the attention of the Interstate Commerce Commission.

As I have said, during the past several years literally hundreds of such complaints have been made to the Interstate Commerce Commission, arising in such places as New York, Philadelphia, Cleveland, Detroit, and several others.

While no one has had the temerity to attempt to justify such practices, a few have contended that these practices have ceased. So let me give you a few instances which occurred in 1943:

A citizen of New Jersey was moving into the city of New York. One truckload of furniture had to be moved from New Jersey to New York. The citizen and owner of the furniture thought he was wise. A neighbor who owned a truck but who was not a member of the teamsters' union would have hauled the load and

delivered the furniture for half the amount a union trucker, the owner and driver of which was a member of the teamsters' union in New Jersey, required. The union man fixed his price at $30. But the citizen, who had heard of the hold-ups at the New York mouth of Holland Tunnel, decided that it would be best to employ the union man, driving the union truck, to haul his furniture. He paid the $30. But at the New York mouth of Holland Tunnel, this union truck was stopped by four goons who represented themselves to be members of Local 807—the local union having exclusive jurisdiction in New York City over nonperishable loads. The union owner and driver pulled out his union card and showed them that he was a member of the same national union to which the hold-up men claimed to belong. But the goons explained that he was a member of a local in New Jersey and had no authority to invade their exclusive province, since he was not also a member of Local 807. He remonstrated. He begged. He explained that it would hurt his business as a union man, getting more pay than "scabs" received. The only good accomplished was that a compromise was reached and he was allowed to proceed for a payment of $7 instead of the usual "take."

Information is to the effect that all railway-freight deliveries in New York City are covered by the same pattern of racketeering. The Chelsea Piers in New York City are also reputedly under the ban. It is further said that all deliveries to steamship and railway piers in New York City are paying tribute.

One of them reports that his truck driver on one trip got as far as the dock and was unloading when the goon squad caught him. They demanded their usual $9.42 exaction. The driver appealed to a policeman who was there and had heard the demand and seen the "hold-up." The police officer's reply was significant, and speaks volume: "You heard what he said." So, under police supervision and approval, the extortion was consummated!

Hundreds of truck growers in New Jersey and Pennsylvania, seeking to deliver their fresh fruits and vegetables in New York City in February and March, were victims of the same racket.

In February a critical piece of war equipment, consigned for delivery in New York City, was so important and so complex that the manufacturers thought it necessary to send with the truck an expert crew of riggers to unload and to erect the machine. All of these riggers were labor union members. This shipment was destined for delivery to the United States Navy. All this was explained to the goons, who held up this truck and demanded the usual money payment. In vain did the union riggers protest that unskilled men could not safely unload this equipment. They contended that it must be done by those who were familiar with the manufacture of this machinery and that that was why they had been sent to do the job. They were not allowed to proceed. The argument proceeded, nothing else did. During the argument, one of the men on the truck slipped away to a telephone and called the Navy. Immediately a truckload of armed Navy guards came to the scene, rescued the truck and escorted it to destination. No money was paid to the goons.

A load of steel bars from a factory in Pennsylvania was dispatched with instructions to stop at Newark, N. J., deliver two of the bars there, and then proceed to New York for delivery of the remainder of the load. The novel feature of this case is that this load was stopped both at Newark and at the New York end of Holland Tunnel and a regular payment exacted at each place.

In all of these cases, fear compelled the informants to stipulate that their names and addresses be not disclosed. But Hon. John G. Cooper, of Youngstown, Ohio, writes a letter which he authorizes me to use. I quote:

Recently I read in the papers that a bill which you are sponsoring, relative to the movement of trucks engaged in interstate commerce, has been favorably reported out of the House Judiciary Committee.

I have not read the bill, therefore I am not informed as to the exact provisions of same. I do, however, trust the members of your committee and the House will carefully consider the question of interstate truck traffic being stopped and delayed at city and State lines until another driver is taken on, or a certain amount of money is paid before the truck can proceed to its unloading point and return to the city or State line.

I, with thousands of other citizens, consider this action of delaying interstate truck traffic a low-down racket. Let us keep in mind that almost 100 percent of the regular drivers of these interstate trucks are members of the Truckdrivers' Union, so it is not a question of placing a union driver on the truck, for there is one there.

I am aware that the Supreme Court has passed on this question. I do hope, however, that when the measure is considered by the House you will try to find some way to wipe out the racket I mention. It is un-American and has no right to exist in our country.

As you may know, I was a Member of the House for 22 consecutive years, retiring (not voluntarily) in January, 1937. I have always been a friend and supporter of organized labor, and can see the necessity for labor to organize and unite to improve working conditions and wages. For 17 years I was in the employ of the Pennsylvania Railroad as locomotive engineer. In the year 1914 I stepped from the locomotive cab into Congress and was proud of my membership in the Brotherhood of Locomotive Engineers. During my service in the House I fought many a hard battle in behalf of labor, as may be verified by some of the older Members of the House who were there during my service.

For 20 years I was assigned a place on the House Committee on Interstate and Foreign Commerce. I assisted in reporting and passing the bill in 1934 which provided that interstate truck and bus traffic should be under the regulation of the Interstate Commerce Commission.

For the past 6 years I have been assigned to a position as a member of the claims board, Ohio Industrial Commission, which passes on industrial injury claims. Recently this board had before it for consideration an injury claim filed by an employee (truck driver) of an Akron, Ohio, transportation company operating under a permit issued by the Interstate Commerce Commission to engage in interstate traffic. The driver in question was operating a truck from Akron to New York City. He stopped at the New York City line to take on a driver, which he was compelled to do, in order to drive his load to its destination. A New York member of the teamsters' union boarded the truck in an intoxicated condition, or, in plain words, he was drunk. The Ohio driver protested against this man taking the truck into the city. According to the record on file there was quite an argument between the regular driver and the drunk, who wanted to operate the truck. Finally he was taken off the truck by some of his fellow workmen and another driver was put on to take the truck to the unloading point and return it to the city line on the way back to Ohio. As he arrived at the city line the drunken driver who was put off the truck when going in waited for the Akron driver to return and made a vicious assault on him to the extent that the claimant required prompt medical and hospital attention, and he was unable to work for some time after.

Our Board allowed this claim as a compensable injury, sustained during the course of and arising out of claimant's employment, but that is not all. The Akron employer, through his premium which he paid to the State fund, had to pay medical, hospital bills, and compensation for lost time.

This statement I make is a matter of record with the Ohio Industrial Commission. This assault case is not by itself. In Pennsylvania, Ohio, Michigan, and other States similar assaults and rackets are being carried on by a vicious element of racketeers under the guise of organized labor. It is this condition which is arousing the law-abiding people of our country and they are demanding that Congress take action to stop it.

Knowing that the majority of the American working men and women affiliated with organized labor are honest, loyal, and patriotic, they want to clean out the scum and criminals who have slithered their slimy forms into their ranks.

Laborers, organized workers, businessmen and employees, and other citizens are looking to Congress to drive out the racketeers who, under the guise of organized labor, are a menace to our country and the decent, law-abiding working classes.

Sincerely yours,

JOHN G. COOPER,
Youngstown, Ohio.

FEBRUARY 1, 1943.

So much for the types of racketeering covered by title I.

Title II covers a somewhat different field. Its life is limited to the duration of the war. It is in substance a reenactment of the law passed for World War No. 1, that expired with the armistice in 1918. The coverage of title II is broader than the former act because Congress has expanded the jurisdiction of the Interstate Commerce Commission since 1918. During World War No. 1 the Commission had jurisdiction over railways alone. Now it has jurisdiction over highways, waterways, and airways as well. To keep all streams of interstate commerce flowing freely and uninterruptedly during the war is essential to our war effort. Therefore, the coverage of title II has been extended to include interstate and foreign commerce by highway, waterway, and air as well as by rail.

The great railway brotherhoods contend that the enactment of title II is utterly unnecessary because the loyalty and devotion of their members and the splendid transportation record of service they have rendered so demonstrates.

With all of these premises from which they argue we are in hearty accord. The

Railway Brotherhoods are made up of men of character, loyalty, and devotion who have rendered outstanding and splendid service in this the greatest crisis the Nation has ever known. But this does not mean that title II is unnecessary. The overwhelming majority of members of Railway Brotherhoods are as good citizens as this or any other country has. But there is said to be at least one black sheep in every flock. The ninety and nine law-abiding, patriotic citizens in their membership certainly have nothing to fear from this or any other criminal law. These ninety and nine do not wish the hundredth to go unpunished if he should commit a crime, and his guilt is proven beyond all reasonable doubt as the law requires. Title II of this bill gives the Railway Brotherhoods infinitely less cause for complaint than did the World War No. 1 Act. That act covered the railways alone, whereas title II of this act covers also transportation by air, water, and highway. There was no complaint of unfair administration or enforcement of the World War No. 1 Act, nor do the Railway Brotherhoods contend that they were cramped or hampered thereby; neither will they be by anything in this law.

One illustration is sufficient to demonstrate one of the pressing needs for the enactment of title II. The Office of Defense Transportation was created—

To assure maximum utilization of the domestic transportation facilities of the Nation for the successful prosecution of the war.

In pursuance of this purpose the O. D. T. knew full well that tires and trucks must be conserved and that to do so there must be no overloading of trucks so that tires might be injured. O. D. T. engineers conferred with engineers of the manufacturers of tires and trucks. They found that a truck of rated or registered capacity could safely be loaded—in accordance with the conservation ideal—greatly beyond its rated or registered capacity. They found that the reason underlying the low-capacity rating was that the manufacturers wished to have an abundant margin of safety for their products and as the public was paying the bills, they made this margin of safety large. So the O. D. T. prescribed the load tonnage which would not overburden the tires or the truck and yet would with safety assure maximum utilization of the domestic transportation facilities of the Nation for the successful prosecution of the war insofar as trucks were concerned. Their figures were in substantial accord with the load limits fixed by the laws of the several States. But nine local unions, covering a substantial portion of New England, banded themselves together in the creation of a Fair Trade Practice Board and promulgated an order of their own, limiting loads to the registered capacity of any truck. These local unions, located at New Bedford, Worcester, Providence, Springfield, Bridgeport, and New Haven, Fall River, Brockton, Hartford, and Waterbury, proclaimed the most patriotic purpose:

To conserve rubber tires, gasoline, and truck equipment and to aid the war effort and not to obstruct it.

They limited speed to 35 miles per hour anywhere, or less where local limits so prescribed. There was and is no law authorizing any such action by these or any other local unions. No vestige of legal authority existed or exists for them to enforce compliance with their regulations nor to sit in judgment on alleged violators, nor to fine or assess anyone. But this lack of legal authority did not and does not prevent them from usurping so much of the jurisdiction of the courts of the land as would enable them to try, convict, and fine the owners of trucks loaded above the limit prescribed by these local unions, although well below the limits fixed by State law and by the order of O. D. T.

Let me read you a letter from the Fair Trade Practice Board under date of March 24, 1943:

291 SOUTH MAIN STREET,
SOUTHBRIDGE, MASS., *March 24, 1943.*
HARTFORD TRANSPORTATION CO., INC.,
1 Wawarne Avenue, Hartford, Conn.

Re: Fair Trade Practice Board, No. 394, Hartford Local 671 versus Hartford Transportation Co., Inc.

GENTLEMEN: The board at yesterday's meeting took up for disposition the above-entitled case, heard on November 24, 1942, which involves Local 671's charges against you for overloading 8,670 pounds, 6,540 pounds, and 1,680 pounds, as described in our summons of November 18, 1942, to you.

The board has found your company guilty as charged on all three counts and has assessed damages in the amounts of $49, $43, and $28 on the respective counts to nullify any and all advantages gained through the violations and to serve as a deterrent against any further violations.

The board has further ruled that these assessments, bill for which is enclosed, be paid within 10 days and hereby advised you that should you fail to comply within the time specified, all rights and benefits due your company under the contract will be automatically withdrawn.

Yours very truly,
FAIR TRADE PRACTICE BOARD,
CHESTER G. FITZPATRICK,
Secretary.
By LUCY A. ROBERTS,
Executive Secretary.

Enclose copy to Local 671.

Here follows the bill they enclosed:

291 SOUTH MAIN STREET,
SOUTHBRIDGE, MASS., *March 24, 1943.*
HARTFORD TRANSPORTATION CO., INC.,
1 Wawarne Avenue, Hartford, Conn.:

Assessments for overloading

8,670	pounds	$49
6,540	pounds	43
1,680	pounds	28
		120

(FTPB No. 394.)

Next let me read you a letter from the Hartford Transportation Co., Inc.:

HARTFORD TRANSPORTATION CO., INC.
REFRIGERATED SERVICE OVERNIGHT
Telephone 208086
HARTFORD, CONN., *November 20, 1942.*

Mr. JOHN ROGERS,
Division of Motor Transport,
Office of Defense Transportation,
Washington, D. C.

DEAR SIR: The writer has read your letter dated October 31 which had reference to bulletin No. 34 issued on October 5, 1942, by the fair trade practice board of the trucking industry of New England.

Under date of November 12 I wrote to Mr. John F. Maerz, supervisor of the Hartford district of the Office of Defense Transportation, copy of which I am hereto attaching. I have communicated with him today, and he advised me to forward directly to your attention a copy of a letter received from the fair trade practice board which, I believe, is self-explanatory.

As you will notice from the enclosed document, we are summoned to appear before the Board on Tuesday, November 24. I might call your attention to the fact that article No. 1 designated in their letter showing an overload of 8,670 pounds was a unit which consisted of a load of rifles destined to the New York pier for export, which boat was leaving the morning that this truck was ordered out. Article No. 3, showing an overload of 1,680 pounds, was a vehicle with scrap material which had been collected in the area and which was being sent to a smelting refinery in New Jersey. Article No. 2, which had an overload of 6,540 pounds, had a load of paper destined to a defense plant on a subcontract.

Under the circumstances, in our opinion, we feel we were not in violation of the Office of Defense Transportation orders but apparently had violated article VI of the union contract.

I am sending this directly to your attention for the sole purpose of determining what reaction, if any, the Office of Defense Transportation will take in this matter. No doubt, as a result of past hearings at the Board, the decision will be unanimously in favor of the local union, and we will be assessed exorbitant fines for overloading.

It would be greatly appreciated if a representative of the Office of Defense Transportation could be present at the Board hearing, which, no doubt, will involve other truckmen in the area, to give you complete further details of what will transpire.

Very truly yours,
HARTFORD TRANSPORTATION CO., INC.,
WM. E. O'NEIL, *Vice President.*

Next, please listen to this letter from the Fair Trade Practice Board to Wooster Express, Inc.:

FAIR TRADE PRACTICE BOARD
OF THE TRUCKING INDUSTRY,
291 South Main Street, P. O. Box 384,
SOUTHBRIDGE, MASS., *March 24, 1943.*
WOOSTER EXPRESS, INC.,
Hartford, Conn.

Re: Fair Trade Practice Board No. 395, Hartford Local 671 versus Wooster Express, Inc.

GENTLEMEN. The board at yesterday's meeting took up for disposition the above-entitled case, heard on November 24, 1942, which involves Local 671's charges against you for overloading two trucks in the amounts of 1,680 pounds and 1,210 pounds, as described in our summons of November 18, 1942.

The board has found your company guilty as charged on both counts and has assessed damages of $28 on each count to nullify any and all advantages gained through the violations and to serve as a deterrent against any further violations.

The board has further ruled that these assessments, bill for which is enclosed, be paid within 10 days and hereby advises you that should you fail to comply with the above order within the time specified all rights and benefits due your company under the contract will be automatically withdrawn.

Yours very truly,
FAIR TRADE PRACTICE BOARD,
CHESTER G. FITZPATRICK, *Secretary.*
By LUCY A. ROBERTS,
Executive Secretary.

Enclose copy to Local 671.

Copy of telegram sent to Washington on November 4, 1942:

THE LAUBE-INTERSTATE CORPORATION,
Waterbury, Conn.

JOHN L. ROGERS,
Division of Motor Transport,
Office of Defense Transportation,
Washington, D. C.:

Rudolph Tata, business agent of Waterbury Union, today stopped all our trucks in transit loaded with antiaircraft gun barrels, other Army, and Navy freight on orders of Fair Trade Practice Board. We were forced to pay him $137 in cash, no check, to have him order drivers to proceed. They claimed two trucks some weeks ago were loaded over their limit, but far under your orders. They assessed fines and so-called dues. Can this racket be stopped? We do not know whose orders to follow.

WM. LAUBE, Jr.

From these it will be seen that no matter how important to the successful prosecution of the war the loads carried by the arrested trucks may have been—whether rifles, antiaircraft gun barrels, or what not—interstate and foreign commerce were stopped and the owners of the trucks, who had violated no law of any State and no regulation of the O. D. T., and no other law, were compelled to pay the Fair Trade Practice Board fines or assessments because they had been adjudged guilty by a kangaroo court, set up by these local unions, of these local unions, and for these local unions, utterly without authority of law. Note also that the payments were required to be made under threat that the constituent local unions would breach their contracts with the truck owners and "all rights and benefits due your company under the contract will be automatically withdrawn."

This New England variation of wartime racketeering certainly seems outrageous and to cry to high heaven for immediate remedy.

This bill, if and when it becomes law, will take the place of the Antiracketeering Act of 1934, which the Supreme Court held in the Local 807 case did not cover highway robbery when committed by members of labor unions claiming to seek employment.

This bill is grounded on the bedrock principle that crime is crime, no matter who commits it; and that robbery is robbery and extortion extortion, whether or not the perpetrator has a union card. It covers whoever in any way or degree interferes with interstate or foreign commerce by robbery or extortion.

The facts of the Local 807 case are clear. Local 807, of International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America, and 26 of its members, were indicted, tried, and convicted in a district court of the United States in New York City for conspiring to violate the 1934 Federal Antiracketeering Act. They appealed to the circuit court of appeals. That court reversed the conviction, and the Supreme Court of the United States affirmed that decision, on the ground that Congress had written into the 1934 Antiracketeering Act provisions excepting from punishment any person who—

obtains or attempts to obtain, by the use of or attempt to use or threat to use force, violence, or coercion, * * * the payment of wages by a bona fide employer to a bona fide employee.

The Supreme Court further wrote:

We have expressed our belief that Congress intended to leave unaffected the ordinary activities of labor unions. The proviso in section 6 safeguarding the rights of bona fide labor organizations in lawfully carrying out the legitimate objects thereof, although obscure indeed, strengthens us somewhat in that opinion. The test must therefore be whether the particular activity was among or is akin to labor-union activities with which Congress must be taken to have been familiar when this measure was enacted. Accepting payments even where services are refused is such an activity.

The majority opinion of the Supreme Court also says:

There was sufficient evidence to warrant a finding that the defendants conspired to use and did use violence and threats to obtain from the owners of these over-the-road trucks $9.42 for each large truck and $8.41 for each small truck entering the city.

But Chief Justice Stone, in his dissenting opinion, wrote:

Respondents, who are members of a labor union, were convicted of conspiracy to violate the Antirackteering Act. They, or some of them, lay in wait for trucks passing from New Jersey to New York, forced their way onto the trucks, and, by beating or threats of beating the drivers, procured payments to themselves from the drivers or their employers of a sum of money for each truck, $9.42 for a large truck and $8.41 for a small one, said to be the equivalent of the union wage scale for a day's work. In some instances they assisted or offered to assist in unloading the truck and in others they disappeared as soon as the money was paid, without rendering or offering to render any service.

Chief Justice Stone continues:

Unless the language of the statute is to be disregarded, one who has rejected the proffered service and pays money only in order to purchase immunity from violence is not a bona fide employer and is not paying the extorted money as wages. The character of what the drivers or owners did and intended to do—pay money to avoid a beating—was not altered by the willingness of the payee to accept as wages for services rendered what he in fact intentionally exacted from the driver or owner as the purchase price of immunity from assault, and what he intended so to exact whether the proffered services were accepted or not. It is no answer to say that the guilt of a defendant is personal and cannot be made to depend upon the acts and intention of another. Such an answer, if valid, would render common law robbery an innocent pastime. For there can be no robbery unless the purpose of the victim in handing over the money is to avoid force.

This bill is drawn in response to the challenge of the following quotation from the majority opinion:

This does not mean that such activities are beyond the reach of Federal legislative control. Nor does it mean that they need go unpunished.

But do some say that the Local 807 case involved only one local union and 26 of its members and that the Nation should therefore ignore it?

The answer is that while that case was only one case and did relate to the hold-up of only a comparatively few trucks, there are literally hundreds of trucks that have been held up in New York City in one night; and New York is only one of many points where such racketeering flourishes. How can we hope to encourage honest men to work a full day for $9.42 if others get that as the fruit of a 10-minute robbery within the law? But even if the rank and file of Americans are too honest to be tempted by such easy money, and even if such cases were few, instead of many, what right has Uncle Sam to fail to do his duty, enjoined by the Constitution, to regulate interstate and foreign commerce? Are we to admit that our Nation is too weak or too fearful or too indifferent to make our highways free for lawful commerce? Is there any class above the law?

Wholly aside from these considerations, however, there is another of national importance. How are the teeming millions of our metropolitan areas to get food at reasonable prices—or in sufficient quantities—except through the unimpeded channels of interstate commerce? Milk does not grow in bottles. It comes from cows on farms. The markets and stores of every great city must be supplied not only with milk but also with fresh fruits and vegetables, meat, poultry, fish, butter, eggs, sugar, and salt.

Can a soldier shoot ammunition that is not passed through interstate or foreign commerce? Can he eat food that rots because of racketeering stoppages?

Title I is to be permanent legislation, operating both in war and in peace. Title II is to be effective only during the present war. Title I condemns only interference with interstate or foreign commerce by robbery or extortion. But during World War I Congress passed an act, approved by President Wilson, outlawing the willful interference, by physical force or intimidation by threats of physical force, with the orderly transportation of persons or property in interstate or foreign commerce, or the transportation of troops, munitions, war supplies, or mail, or the orderly make-up, movement, or disposition of any train, locomotive, car, or other vehicle on any railroad or elsewhere in the United States in interstate or foreign commerce. This old law, which expired with the armistice in 1918, is proposed to be reenacted for the period of the present war, with its coverage extended to include the other forms of transportation by highway vehicles, airplanes, and vessels, in accordance with the expanded jurisdiction of the Interstate Commerce Commission.

Hon. Joseph B. Eastman, Director of the Office of Defense Transportation, suggested that this be done, and submitted a draft of such additional provisions. He cited a number of cases evidencing the need for such legislation. His suggestion was adopted, and his draft is now title II of the pending bill.

STATES' RIGHTS

The specious argument used against this bill that its enactment would invade the province of the rights of the States is absurd. The sole and single purpose of this bill is to keep the stream of interstate and foreign commerce flowing free. No State has had the right to protect or regulate interstate or foreign commerce, since that right was granted by the States

to the Congress by the Constitution of the United States adopted in 1787.

It has been, therefore, the exclusive right and concomitant duty of Congress to regulate interstate and foreign commerce ever since 1787. No State has any right in this field. The fact that the interference with interstate or foreign commerce condemned by this bill is only such interference as is perpetrated by robbery or extortion, which crimes, per se, are condemned and punishable by State law, does not render the pending bill in any sense a duplication. The crimes of robbery and extortion are condemned and punishable by State law. The crime of interfering with interstate or foreign commerce is condemned and punishable by the pending bill, and it is stipulated that such interference, to be punishable under this bill, must be of so heinous a character as to come within the definitions of robbery or extortion. So the States' rights argument is just another smoke screen.

PUNISHMENT

Another opposition argument frequently employed is that the punishment prescribed in this bill is too severe. The answer is that the crimes of robbery and extortion are not trivial. They are major felonies, heinous offenses. Only when the interference with interstate commerce, condemned by this bill, is accomplished by means so criminal as to be within the definitions of robbery and extortion is any punishment stipulated. But the argument that the punishment prescribed is too severe ignores the fact that it is only the maximum. Any punishment less than this maximum may be imposed by the court. A fine of 1 cent or a sentence of 1 minute in jail is just as much a punishment under the provisions of this bill as is the maximum. This bill simply enables the court that heard the evidence and knows the details of each case to make the punishment fit the crime. It is interesting to note, however, that a number of States have fixed the maximum punishment for robbery at death. The maximum fixed in this bill is about the average. Take New York, for instance. The definition of robbery contained in this bill is substantially copied from the New York statute. Yet New York has fixed the minimum punishment for first-degree robbery at 10 years and the maximum punishment at 30 years. This bill contains no minimum punishment and fixes the maximum midway between the two New York limits.

ANTILABOR

Many of the enemies of this bill claim that they are fighting it not because of its provisions but because the provisions might be misconstrued by a biased court, so as to punish legitimate activities of organized labor. Last year when the subcommittee of the House Committee on the Judiciary was holding hearings on the precursor of this bill that argument was made so often and so earnestly that the question was asked if the then bill should be amended so as to outlaw only interference with interstate or foreign commerce by robbery or extortion, if that would meet this objection. The answer was an emphatic "yes." The pending bill, H. R. 653, is that amendment. It does limit the field of its condemnation to interference with interstate or foreign commerce by robbery or extortion. But still the opposition on this alleged ground persists.

It is also urged that the author of the bill is a labor hater. But, unfortunately for those who make this charge, the record of the author makes this accusation absurd. As a practicing attorney, he never represented any public utility corporation. For the more than 20 years of his practice of his profession he always represented the other side, including labor unions. Since he has been in Congress he has supported many pro-labor bills, such as the Wagner National Labor Relations Act and the Walsh-Healey Act. In truth and in fact, he and the vast majority of the supporters of this bill are real friends of labor and believe sincerely that they are rendering a valuable service to the people of the United States, including the members of organized labor, in pressing for the passage of this bill.

Let me read you a letter from a fine, honest Alabaman who had wired me a protest against this bill:

UNITED BROTHERHOOD OF
CARPENTERS, LOCAL UNION No. 1371,
Gadsden, Ala., March 23, 1943.

Hon. SAM HOBBS,
Member of Congress,
Washington, D. C.

DEAR MR. HOBBS: Thank you for your letter and the copy of your amendment, H. R. 653.

A number of the men in our local requested me to write you in regard to your amendment and protest against its passage. Since reading your amendment I can only say that I am heartily in favor of it and feel sure our members will take this same stand. They are too ready to jump to conclusions and condemn something which, in reality, they know nothing about.

I have voted in your district for a number of years and supported your campaign for Congress. You have always been honest, fair toward labor in general, and believed in the square deal to everyone. For this reason, it was hard for me to understand how you could do anything openly to hurt labor. Thank you for clearing up this matter and let me assure you I am for your bill and hope it is passed immediately.

Sincerely yours,

OSMOND E. STEWART,
Business Agent, Carpenters' Local No. 1371.

In conclusion, please let me reiterate as positively as possible that I resent the implication that robbery and extortion are legitimate bona fide activities of labor unions. They are not. And may I also reiterate the question I have so often put to labor leaders fighting this bill, If members of organized labor are not guilty how can this bill hurt them? Echo answers: "How?"

Oh, say, does that Star-Spangled Banner yet wave
O'er the land of the free and the home of the brave?

This is the sole question at issue today. If we are determined that the highways and city streets of the United States must be freed and kept free of racketeers, we will pass this bill. If we have wishbones where backbones should be, we will shrug our shoulders and say: "Let George do it."

But no attempt to pass the buck can relieve us of our duty under the Constitution to protect interstate and foreign commerce from unlawful interference.

Like Elijah on Mount Carmel, I solemnly adjure and challenge you:

How long halt ye between two opinions? If the Lord be God, follow Him; but if Baal, then follow him.

The CHAIRMAN. The time of the gentleman from Alabama has expired, all time has expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An Act to Protect Trade and Commerce Against Interference by Violence, Threats, Coercion, or Intimidation," approved June 18, 1934 (U. S. C., 1940 ed., title 18, secs. 420a–420e), be, and it is hereby amended to read as follows:

TITLE I

"SEC. 1. As used in this title—

"(a) The term 'commerce' means (1) commerce between any point in a State, Territory, or the District of Columbia and any point outside thereof, or between points within the same State, Territory, or the District of Columbia but through any place outside thereof, and (2) commerce within the District of Columbia or any Territory, and (3) all other commerce over which the United States has jurisdiction; and the term 'Territory' means any Territory or possession of the United States.

"(b) The term 'robbery' means the unlawful taking or obtaining of personal property, from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

"(c) The term 'extortion' means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.

"SEC. 2. Whoever in any way or degree obstructs, delays, or affects commerce, or the preparation of any article or commodity for commerce, or the movement of any article or commodity in commerce, by robbery or extortion, shall be guilty of a felony.

"SEC. 3. Whoever conspires with another or with others, or acts in concert with another or with others to do anything in violation of section 2 shall be guilty of a felony.

"SEC. 4. Whoever attempts or participates in an attempt to do anything in violation of section 2 shall be guilty of a felony.

"SEC. 5. Whoever commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of section 2 shall be guilty of a felony.

"SEC. 6. Whoever violates any section of this title shall, upon conviction thereof, be punished by imprisonment for not more than 20 years or by a fine of not more than $10,000, or both.

"TITLE II

"SEC. 201. Any person or persons who shall, during the war in which the United States is now engaged, knowingly and willfully, by physical force or intimidation by threats of physical force, obstruct or retard, or aid in obstructing or retarding, or attempt to obstruct or retard, the orderly transportation of persons or property in interstate or foreign commerce, or the transportation of troops, munitions, war supplies, or mail, or the orderly make-up, movement, or disposition of any train, railway or highway vehicle,

airplane, or vessel, on any railroad, street, highway, airway, or waterway, or elsewhere in the United States, which is engaged in transportation in interstate or foreign commerce, or in the transportation of troops, munitions, war supplies, or mail, shall be deemed guilty of a felony, and upon conviction thereof shall be subject to a fine of not more than $10,000, or imprisonment for not more than 20 years, or both such fine and imprisonment; and the President of the United States is hereby authorized, whenever in his judgment the public interest requires, to employ the armed forces of the United States to prevent or remove any such obstruction to or retardation of the passage of the mail, or the orderly transportation or movement of interstate or foreign commerce, or the transportation of troops, munitions, or war supplies in any part of the United States whether by air, motor, rail, express, water, or otherwise: *Provided*, That nothing in this section shall be construed to repeal, modify, or affect either section 6 or section 20 of an act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, or an act entitled 'An act to amend the judicial code and to define and limit the jurisdiction of the courts in equity, and for other purposes,' approved March 23, 1932, or an act entitled 'An act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes,' approved May 20, 1926, as amended, or an act entitled 'An act to diminish the causes of labor disputes burdening or obstructing interstate or foreign commerce, to create a National Labor Relations Board, and for other purposes,' approved July 5, 1935. For the purpose of this paragraph the United States shall be deemed to include all Territories and possessions of the United States."

With the following committee amendment in the bill:

On page 2, lines 22 and 23, strike out the words "or the preparation of any article or commodity for commerce."

Mr. BALDWIN of New York. Mr. Chairman, I offer a preferential motion which is at the desk.

The Clerk read as follows:

Mr. BALDWIN of New York moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. BALDWIN of New York. This motion is offered in deep sincerity.

I am opposed to this bill for several reasons, none of them technical. I appreciate and understand the convictions of many of the Members that we must stop robbery and extortion and permit the free movement of interstate and foreign commerce. Anybody who would here argue to the contrary would be out of his mind, in my opinion. I do not, however, believe that we are correcting anything that was wrong in the existing law passed in 1934. It is my personal opinion that the opinion of Mr. Justice Byrnes and the majority of the Supreme Court, rendered in the case against Local 807, which occurred in my own city and State, was a political opinion and that you are not going to change political opinions from the Supreme Court when you change the law. The only thing you will accomplish, in my opinion, will be to put upon labor that is not doing these extraordinary things an onus and a sense of guilt that should not be put there these days. Member after Member who has spoken in favor of this bill has pointed out that decent labor does not want robbery and extortion.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. BALDWIN of New York. Certainly.

Mr. WALTER. If the Supreme Court renders a decision that in the judgment of Congress is erroneous, how can the decision be corrected if not by legislation?

Mr. BALDWIN of New York. The Supreme Court can reverse its decision; cases can be brought again. I am going to come in a moment to what I consider to be the real purpose of this bill, which is to stop robbery and extortion. After all, as far as I know, in every State of this Union, and certainly in my State, there are local laws that will take care of robbery and extortion.

Unfortunately and in perfectly good faith, the parties concerned in this particular case brought the action under the Federal law which they thought would cover it and which, in my opinion, did cover it. The Supreme Court decided otherwise in a political decision.

Mr. GWYNNE. Mr. Chairman, will the gentleman yield?

Mr. BALDWIN of New York. I yield.

Mr. GWYNNE. They told us in the hearings before the subcommittee that they had complained and complained to the local authorities, but that nothing was done and that was why they went to the Federal law.

Mr. BALDWIN of New York. Mr. Chairman, we do not always have the same government of the city of New York.

Mr. BENDER. Mr. Chairman, will the gentleman yield?

Mr. BALDWIN of New York. Certainly.

Mr. BENDER. I think the gentleman will testify that they elected their present Governor of New York because of his fight against racketeering in that State and because he put a lot of racketeers out of business.

Mr. BALDWIN of New York. Certainly, Mr. Chairman; and I will further testify that I am convinced that the present Governor of New York will not permit racketeering in interstate commerce, robbery, or extortion wherever it affects the State of New York.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. BALDWIN of New York. I yield.

Mr. CELLER. But the Governor of the State of New York could have prevented this when these cases arose, but he did not do it.

Mr. BALDWIN of New York. Mr. Chairman, I do not intend to get into a political discussion; I do not think any of us want to; we have our own opinions on these things.

Mr. CELLER. Does the gentleman feel that Congress is under any obligation to protect interstate commerce?

Mr. BALDWIN of New York. Certainly I do.

Mr. HOFFMAN. Will the gentleman yield?

Mr. BALDWIN of New York. I yield to the gentleman from Michigan.

Mr. HOFFMAN. If the gentleman over on the other side who spoke about the district attorney in New York remembers recent history, he will recall that when Governor Lehman went out and Lieutenant Governor Poletti became Governor, he turned those racketeers that Dewey had sent to prison out. Has he forgotten that?

Mr. BALDWIN of New York. I think the gentleman from Michigan is correct, but I do not want to get into a political discussion.

The fact remains, Mr. Chairman, this law seeks to do three things: One, correct a misconception by the Supreme Court, and I do not think it will do that because the Supreme Court will continue to write political opinions. That is my personal conviction. Two, it tries to stop robbery and extortion, and that can be stopped legally in every State that I know of. If there are some that do not have laws on robbery and extortion I should think they would get them. And three, it talks about the protection of troops and trucks of the Army and mails and so forth. Everybody here knows that the Executive has the power to protect the movement of troops and mail or military supply trucks. This bill, whether amended or not, does only one thing. It unjustly points the finger of congressional suspicion at American organized labor, a group in our country which has within itself corrected the evils complained of, and which in my opinion has contributed as much as any other group in the community to the successful prosecution of the war. I earnestly hope this bill will be defeated.

The CHAIRMAN. The time of the gentleman has expired.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BALDWIN]?

The amendment was rejected.

The CHAIRMAN. There is a committee amendment pending which the Clerk will again report, without objection.

There was no objection.

The Clerk read as follows:

Committee amendment: On page 2, line 22, after the word "commerce", strike out the remainder of the line and the words "or commodity for commerce" in line 23.

The committee amendment was agreed to.

Mr. HANCOCK. Mr. Chairman, I have an amendment at the desk, which is merely a perfecting amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK: On page 1, line 5, after the first parenthesis and before "U. S. C." insert "48 Stat. 979;".

The amendment was agreed to.

Mr. HOBBS. Mr. Chairman, I offer a committee amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Committee amendment offered by Mr. HOBBS: On page 4, beginning in line 15, after the word "otherwise", strike out the colon and all after the proviso down through and

including "1935" on page 5, line 4, and insert after title II the following new title:

"TITLE III

"Nothing in this act shall be construed to repeal, modify, or affect either section 6 or section 20 of an act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, or an act entitled 'An act to amend the judicial code and to define and limit the jurisdiction of the courts in equity, and for other purposes,' approved March 23, 1932, or an act entitled 'An act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes,' approved May 20, 1926, as amended, or an act entitled 'An act to diminish the causes of labor disputes burdening or obstructing interstate or foreign commerce, to create a National Labor Relations Board, and for other purposes,' approved July 5, 1935."

Mr. CELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CELLER. Is it in order now to offer the so-called Celler substitute at this juncture?

The CHAIRMAN. It would be in order.

Mr. CELLER. Mr. Chairman, I offer a substitute for the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER, of New York, as a substitute to committee amendment: On page 4, line 15, after the word "otherwise", strike out the colon and all of the proviso down through and including "1935" on page 5, in line 4, and insert after title II the following new title:

"TITLE III

"That no acts, conduct, or activities which are lawful under section 6 or section 20 of an act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, or under an act entitled 'An act to amend the judicial code and to define and limit the jurisdiction of the courts in equity, and for other purposes,' approved March 23, 1932, or under an act entitled 'An act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes,' approved May 20, 1926, as amended, or under an act entitled 'An act to diminish the causes of labor disputes burdening or obstructing interstate or foreign commerce, to create a National Labor Relations Board, and for other purposes,' approved July 5, 1935, shall constitute a violation of this act."

The CHAIRMAN. The gentleman from New York [Mr. CELLER] is recognized for 5 minutes.

Mr. MICHENER. Will the gentleman yield for a question?

Mr. CELLER. Gladly.

Mr. MICHENER. The amendment just read is what is known as the Celler amendment. Is it exactly the same amendment as was before the Judiciary Committee and included in the committee print?

Mr. CELLER. It is.

Mr. MICHENER. I ask this question because last night in our colloquy there was some misunderstanding. I want to be sure that I understood correctly.

Mr. CELLER. I understand you asked whether or not words had been eliminated from the committee print, or stricken out. My amendment was added to the so-called committee print in italics.

The difference between my amendment and the committee amendment is this: The committee amendment simply states that the so-called Hobbs bill in its entirety shall not modify or repeal the so-called Railway Labor Act, the Clayton Act, the Norris-LaGuardia Act, or the National Labor Relations Act. You might as well just say that the Hobbs bill does not affect or repeal the National Tariff Act, or it does not affect or repeal the White Slave Act or the Income Tax Act.

My amendment embraces within the purview of the Hobbs bill all lawful acts and activities and conduct of trade-unions that have been made lawful under these four enumerated acts. It would preserve all legitimate labor activities. It would not place any approval upon racketeering or robbery or extortion or any conduct that the local teamsters' union was guilty of in New York City.

Fear was expressed that what was done by the teamsters in New York, which was made lawful by the Justice Byrnes decision, would be made lawful by my amendment. That is not true. If you examine carefully the Justice Byrnes decision, you will see that it turns primarily on the significant words which are contained in section 3 (b) of the old Copeland Antiracketeering Act:

The terms "property," "money," or "valuable considerations" used herein shall not be deemed to include wages paid by a bona fide employer to a bona fide employee.

Justice Byrnes erroneously decreed that the payment of money, which to my mind was protection money, was in that case a legitimate and sanctioned activity under the Copeland Antiracketeering Act and set up a relationship between employer and employee in a bona fide manner. My amendment, since it does not contain such language, and since the Hobbs bill now contains no such language, would not by any wildest stretch of the imagination permit a recurrence of that which happened by virtue of the activities of the Teamsters Union. Nay, more such activity would be banned and branded unlawful as it rightfully should.

What would happen if you did not accept my amendment and instead accepted the committee amendment? Let us say a man is indicted under the Hobbs bill as amended by the committee amendment. He might plead, "What I did was excepted and made legal by a number of Supreme Court decisions, under, say, the Clayton Act, for example." The judge might reply, "No; you are indicted under the Hobbs Act, which does not embrace within its purview the Clayton Act and the exceptions under the Clayton Act as defined by judicial interpretations. Therefore, I cannot accept your plea." The striker, or worker picketing or boycotting, would be held guilty. The exceptions under the Clayton Act as enunciated by these long lines of Supreme Court decisions are not part of the Hobbs Act, the judge would say. "You are indicted under the Hobbs Act. If you were indicted under the Clayton Act, your contention would be sound."

For that reason, I say to the members of this Committee that you must accept my amendment if you want to protect labor in its honest endeavors, in its lawful, traditional activities such as collective bargaining, strike, picket, or boycott.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HOBBS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, almost any crime may be committed while the perpetrator is engaged in otherwise lawful acts, conduct or activities.

To snatch a child from the path of an onrushing automobile is not only lawful, but praiseworthy in the highest degree. But suppose that, while so engaged, the rescuer recognizes the child as one that he had planned to kidnap, and then does so. Would he be innocent of kidnaping?

Because a man is engaged in the perfectly lawful conduct of striking, is he guiltless if he commits rape?

Picketing is lawful. But does that mean that a picket cannot be punished for stealing?

The right of collective bargaining is guaranteed by law. Does that give collective bargainers the right to murder?

These questions answer themselves.

Therein is the trick or joker in the Celler amendment.

Honestly and peaceably seeking employment is not only lawful, but commendable. However, it is equally lawful for the one from whom employment is sought to refuse it. Does any sane and reasonable man contend that the lawful right honestly and peaceably to seek employment gives the seeker the right to force employment or to beat the refuser?

The Celler amendment says "No acts, conduct, or activities which are lawful under" the four major labor relations laws—Clayton Antitrust Act, Norris-LaGuardia Act, Railway Labor Act, and National Labor Relations Act—"shall constitute a violation of this act." It wholly omits to require, as do these acts to which it refers, that the "acts, conduct, or activities which are lawful" must be done lawfully and peacefully, and that no crime be committed while doing otherwise lawful acts.

The committee amendment refers to the same four major labor relations laws and guarantees, as does the bill without the amendment, every right granted in them; but it does not grant the right to do a lawful act in an unlawful way, nor the right to commit crime under color of legality.

In vain in the sight of the bird, is the snare of the fowler displayed.

Organized labor was born and has grown great, strong, rich, and almost omnipotent under State and Federal laws condemning robbery, extortion, murder, manslaughter, assaults, rape, larceny, and arson, with never a claim until 1934 that any right of labor was impinged or jeopardized by any one of them.

Why does labor now seek to make itself above the law that applies to all others? Is there any reason why labor should be granted immunity from the penalties of the criminal law? Unless crime be committed, no one can be hurt by any criminal law. "The guilty flee when no man pursueth." If labor is innocent, how can this bill hurt them? If guilty, why should they be the only class seeking immunity?

The answer to these questions is clear. The vast majority of the men of labor are as good citizens as America boasts. They ask no unfair favors or advantages. They are law abiding and have nothing to fear. But clients of lawyers sometimes commit crime. A few good men are misled into following bad advice.

I submit that for these reasons the Celler amendment is dangerous, especially in view of the decision in the Local 807 case, which held that no matter how much violence might accompany a request for employment it was all right and you are perfectly innocent under the antiracketeering law. The same thing is true here. No matter what may be said about the Celler amendment, it still does not require, as do the acts to which it points, that lawful acts, conduct, or activities must be done in a lawful and peaceful way. Without that or something like that the amendment should be defeated.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. RUSSELL. Mr. Chairman, I rise in opposition to the Celler amendment. I shall try to take up where I stopped when I talked in general debate upon the bill. About that time I stated that if the Celler amendment was adopted it would have the effect of destroying the bill, and we would be legislating just a piece of paper that would not amount to anything. In other words, we go up the hill and come down the hill. As we boys from the country used to say when our means of conveyance was a horse and saddle or a horse and buggy, we would give the horse a bundle of oats but would tie it so high that he could not reach it. If the Celler amendment is adopted, it would place racketeering in the same position it was in prior to the decision of the Supreme Court. All lawyers know that when the highest court in the land passes on the legal question and writes a decision upon it, that that decision becomes a part of the law. It is what is known as case law. The Supreme Court has written an opinion exempting members of labor unions on the authority of paragraph 6 of the act of 1934, which reads substantially in effect as the Celler amendment. It reads:

Provided, That no court of the United States shall construe or apply any of the provisions of this act in such manner as to impair, diminish, or in any manner affect the rights of bona fide labor organizations in lawfully carrying out the legitimate objects thereof, as such rights are expressed in existing statutes of the United States.

Now, if you adopt the Celler amendment you not only adopt that construction of existing laws at that time but you are going further, and you are adopting the construction placed upon that act by the Supreme Court of the United States. You are tying the hands of the court in the future in passing on this question, because if you do that, they may say that the opinion of Mr. Justice Byrnes was ill-advised and, although we believe that Mr. Justice Byrnes in that decision was in error and it is wrong, yet it is substantiated now by the legislative sanction of the Congress of the United States.

Mr. Chairman, it will place us in a much worse position than we were before. In other words, it will turn those racketeers loose who have been condemned by the union themselves, and they have said that they have stopped it, and there is no need for the law. Then, why did they stop it? As I said, it is a plea of confession and avoidance. "If it is wrong, but we have stopped it," and "we do not need legislation which will prevent the wrong hereafter." It will be a club to fight law and order with if the Celler amendment is adopted. There is no doubt about that. Ask any lawyer and he will tell you so.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WHITTINGTON. Mr. Chairman, I rise in opposition to the Celler amendment. The author of the amendment is opposed to the bill. He filed minority views. Unable to defeat the bill, he would nullify it.

LEGAL RIGHTS

I recall that in December, following Pearl Harbor, representatives of the American Federation of Labor and the Congress of Industrial Organizations assembled in Washington. They announced to the American people that they had agreed there would be no strikes for the duration. Some time thereafter there was a strike out on the Pacific coast in the Kaiser shipyards. One hundred thousand employees and $3,000,000 in annual dues were involved. It was a contest between the A. F. of L. and the C. I. O. The public was surprised. There was a jurisdictional strike. An appeal was made to the National Labor Relations Board. It was asserted that rights of collective bargaining guaranteed by the Wagner Act were involved. That strike brought to light something that had not been announced by those two labor organizations in December. They had said there would be no more strikes. They said they had entered into an agreement that in the event they were not able to settle jurisdictional disputes they would refer matters to arbitration. They were unable to settle this dispute in the Kaiser shipyards. They resorted to the Wagner Act. Then came to light a clause in the contract in which they had agreed to arbitrate, of which the public was not advised at the time the statement or promise was made that there would be no more strikes for the duration. In that agreement there was a clause to the effect substantially: "Provided, nothing herein shall interfere with the rights of labor." Their rights are guaranteed under the Wagner Act. The proposed Celler amendment might as well say: "Provided, nothing herein shall interfere with the rights of gangsters and racketeering robbers." The least that the House of Representatives can do in the face of continued absenteeism, in the face of jurisdictional strikes, in the face of continued delays in production and in face of repeated labor racketeering is to pass the pending measure, as a gesture to correct labor abuses and especially to correct a mistake in the law, which Congress was invited by the Supreme Court of the United States in the New York teamster case to correct, and to correct the statute under which those escaping punishment under alleged defective statutes whose acts have never been condoned or approved by a single Member on the floor of this House during this debate or by any citizen of the United States, can be convicted and punished. Among the rights of labor in the National Labor Relations Act is that any union can raise a question of collective bargaining and a question of jurisdiction. While announcing to the country there would be no strikes, by this secret clause the policy of no strikes was nullified. The passage of the Celler amendment, I repeat, would nullify the pending bill to punish racketeering and gangsterism by labor unions. The Celler amendment should be overwhelmingly defeated.

THE PURPOSE

I extend to say that the primary purpose of this bill is to prevent interference with interstate commerce by robbery or coercion as defined in the bill. It is an amendment of the existing Antiracketeering Act passed in 1934. This act was passed to eliminate racketeering in relation to Interstate Commerce. It is of interest to the Nation as a whole. The act came under the examination of the Supreme Court of the United States in the recent case of The United States against Local No. 807. The opinion in this case was rendered by Mr. Justice Byrnes. There was a dissenting opinion by Chief Justice Stone. For my part I agree with Chief Justice Stone. The real purpose of the bill is to remove any doubt about the interpretation of the act by the Chief Justice being correct. The case involved members of a local union who were convicted of violating the Anti-Racketeering Act.

There can be no question that under the Constitution, Congress has the exclusive regulation of interstate commerce. It is the duty of Congress to protect interstate commerce in the interest of all the people. At the same time it is the duty of Congress to see that the citizens of each State shall be entitled to all the privileges and immunities of the citizens of the several States. The bill would outlaw criminal interference with interstate commerce. Title II of the bill has to do with the obstruction of transportation during the war. It is recommended by the Director of the Office of Defense Transportation, Joseph B. Eastman.

ORGANIZED LABOR

It is maintained that the Hobbs bill is an attack on organized labor. There is no ground for such contention. It was

not intended that labor unions would engage in the practices of gangsters or terroristic activities, but in the New York case union teamsters did engage in such practices. The purpose of the bill is to prevent a repetition of the criminal terroristic activities of racketeers, whether they are members of unions or not. They are not to be relieved because they are members of unions. They cannot hide behind the cloak of organized labor if they engage in gangster methods.

I favor the rights of organized labor. I advocate collective bargaining, but I oppose racketeering by labor whether organized or unorganized. The purpose of unions should be to promote better relations between employers and employees.

There are some unfair employers. There are some unfair employees. There are industrial racketeers and there are labor racketeers. I oppose both. I advocate the punishment of both. It is time for plain speaking. It is time to call a spade a spade. I know that some employers are unfair with workers. I know that workers are sometimes unfair with employers. The need is mutual understanding. The need is not coercion but cooperation.

LEGISLATION

Personally I regret that the pending bill does not go further. It is imperative that the National Labor Relations Act be amended. That act was intended to diminish the causes of labor disputes. It has multiplied them. Sections 7 and 8 of that act provide for coercion. There is no opportunity for conference between employer and employee. It is unfair for the employer to interfere with the formation or administration of any labor organization. The act was intended to bring peace. It has resulted in turmoil. Racketeers and chiselers have taken advantage of the act. It places the employers and employees in a position of disharmony. It does not provide for the determination of labor disputes. It burdens and it obstructs interstate commerce. It promotes strikes, both jurisdictional and otherwise.

The amount of human hours lost since Pearl Harbor on account of unnecessary strikes is beyond tabulation. What kind of people put profits beyond the lives of the men in the armed services? I have referred to two sections and provisions of the National Labor Relations Act. There are others.

I believe that the large majority of workers are honest, just as I believe that the large majority of employers are honest. But the public demands that the National Labor Relations Act be amended and improved and that its provisions which promote turmoil and which are unfair both to the employer and the employee be repealed.

I opposed the Fair Labor Standards Act, and I have advocated liberalizing amendments. I have insisted from the invasion of Poland in September 1939, and especially since Pearl Harbor, that the United States cannot win the war on a 40-hour week, which I always opposed. I have insisted that the 40-hour week be repealed at least for the duration.

HOW LONG?

Which is the bigger, Uncle Sam or John L. Lewis? There was recently a costly coal strike. There is now a demand by miners, under the leadership of John L. Lewis, for a wage increase of $2 a day. If labor unions are going to permit the drawing out of the war and cause the needless sacrifice of lives of many American fighting men, the country ought to understand that the burden rests primarily upon Congress, and secondarily upon the striking workers.

It is time for action. We have tried cooperation. We have tried voluntary methods. Strikes continue. Labor racketeering abounds. The people are awake. States are passing laws. Absenteeism is being punished, but statutes against absenteeism are not enough. Excessive fees must be prohibited. Sit-down strikes must be stopped. Jurisdictional disputes must be eliminated. Absenteeism must be penalized, but the penalization of absenteeism is not enough, I repeat. We must all work or fight. Racketeers in labor and racketeers in industry must be eliminated.

Congress can appropriate all the billions of dollars that the President recommends for the Army and the Navy, but Congress cannot appropriate 60 minutes of time, and 60 minutes of time at Pearl Harbor might have saved a half billion dollars and 3,000 lives.

There can be no feather beds, slowdowns, or strikes in all-out war efforts. We cannot win the war by working 40 hours a week out of 168. It is time for cooperation between industry and labor. It is time for the elimination of racketeering whether in industry or in labor, whenever and wherever it is found.

CONCLUSION

The pending bill is necessary because of the decision of the Supreme Court of the United States. Out-of-State truck drivers were required to turn over their trucks to teamsters on entering the City of New York. Under threats of violence and coercions the drivers were required to pay from $8.41 to $9.42, according to the size of the truck. This has been a common practice for years. Violence was conceded. The purpose of the bill is to clarify the existing antiracketeering statute and to prevent the necessity for interstate trucks paying a fee to labor unions for entering the City of New York, or for that matter, any other city, or from passing from one State to another in the United States, and to punish and prevent similar racketeering practices whether by labor unions or others.

Mr. HOBBS. Mr. Chairman, I ask unanimous consent that all debate upon this substitute amendment and on the committee amendment close in 20 minutes.

The CHAIRMAN. Is there objection.

Mr. MILLER of Connecticut. I object.

Mr. HOBBS. Then I move that all debate upon the substitute amendment close in 20 minutes.

The motion was agreed to.

Mr. STEWART. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. STEWART. Mr. Chairman, it has been the accepted jurisprudence since the law of Moses, the common law of England, and our own courts, that there are certain natural laws that it would be wrong to violate were there no written laws—no statutory laws; and we should not condone such discrimination against a citizen who is not a member of a labor union in favor of a citizen who is a member. If this opinion is the law, Congress did nothing short of repealing a natural law by a statutory law in the act of 1934. When I speak of natural laws, those are laws which it was wrong to violate before the existence of the written word, those which have been the wisdom of the ages, those which were drawn without the action of a legislative body.

I never knew until the opinion in the case of the United States of America against Local 807 of the Teamsters Union in the United States Supreme Court was handed down that it was wrong for me to attack you and then you would be justified in attacking me for the same offense because you might be clothed with membership in an organized union, which would exempt you from the penalty of a natural law. How can it be? But it is.

Let us right this wrong that is ringing in the ears of every red-blooded American citizen throughout the United States. People are alarmed. Somebody said, "The woods are on fire," and, "believe me you, they are on fire." It is up to us to act. When you read the opinion in this case, you do not have to talk with anybody or study to know that there is discrimination between two classes of citizenship who might commit a crime. The rights of organized labor I do not condemn, but I believe in the rights of unorganized labor also. I believe in the rights of everyone; equality before the law. Let us assert ourselves. Vote down the Celler amendment. You heard the remarks of the distinguished gentleman from Maryland [Mr. BALDWIN], when he said he and his colleagues and their Senators met with a delegation of 200 members of the C. I. O., wherein they stated that the Celler amendment would give them a free excursion from violation of the penal laws of the Antiracketeering Act of June 18, 1934. In my opinion, the adoption of the Celler amendment leaves us exactly where we are.

Organized labor should sponsor this bill and seek the support of friendly Congressmen. Greed breeds distinction. Every citizen should stand on equal footing with every other citizen, and such is not the case today.

The people of America are not given over to too much loud palaver today, but they are thinking as they never thought before of our future welfare.

In my opinion, this bill will pass without this amendment.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

The gentleman from Pennsylvania [Mr. FURLONG] is recognized for 3 minutes.

Mr. FURLONG. Mr. Chairman, I rise to oppose this Hobbs bill in its entirety. This bill in any form will put regular and legitimate union activity under constant attack on charges trumped up by hostile employers and labor baiters out to cripple labor.

Labor of all types looks upon this bill as the beginning, the forerunner of the establishment of slave labor in America by the House of Representatives. If this bill H. R. 653, known as the Hobbs bill, is passed it will cause three definite disastrous effects throughout our land.

First. It will cause chaotic conditions of misunderstanding and confusion between labor and management.

Second. It will demoralize all those workers who have been giving their all-out for victory, and will lower their morale.

Third. It will thus break down the second lines of offense and defense in this great World War, the production line, and for a surety, if the second line goes down, the first line which depends upon the second line will very soon follow.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Connecticut [Mr. MILLER] is recognized for 3 minutes.

Mr. MILLER of Connecticut. Mr. Chairman, it is impossible to even start to discuss a bill as far reaching as the Hobbs bill in the 3 minutes available to me this afternoon. Rather than attempt a discussion of either the Hobbs bill or the Celler amendment, I will simply comment on a situation that becomes more apparent with each passing day of this session of Congress. Why the rush? Why should debate be cut off or limited to 20 minutes on this important amendment—an amendment proposed by the A. F. of L.—the adoption of which would remove a great deal of objection to the bill?

Most of the time during general debate was used by members of the committee reporting the bill. I asked for time during the general debate but was informed that it was all assigned and I could get plenty of time under the 5-minute rule. I realize that an effort is being made to clear the calendar so that Congress can take an Easter vacation. Personally, I would appreciate a 2 weeks' recess, and I know that many of the older Members of the House, the Chairman and ranking members of committees, need the vacation more than I do. Many of these men have been steadily on the job for more than 5 years. However, I would rather stay here for evening sessions or pass up a recess all together than to see legislation ill-considered and rushed through the House. And, at this point, I may as well add that I will oppose any recess until after the House has passed the pay-as-you-earn tax bill that will be acceptable to the majority of our 44,000,000 income taxpayers.

The Hobbs bill is not the only bill on which fair debate has been cut off. The same thing was done by the farm bloc when the Pace and Bankhead bills were under consideration. What happened to these two bills after they were passed in the House? The Bankhead bill was vetoed by the President for the very reasons advanced, in the limited time, by those opposed to the bill. The Pace bill is stalled in a committee of the Senate for fear it will meet the fate of the Bankhead bill, namely, Presidential veto. We rushed the salary-limitation bill through the House with such speed that the Wolcott amendment was not even explained to the House. We accepted the Disney amendment, but when the bill reached the Senate, that body adopted the language of the Wolcott amendment, and we later approved it as a conference report. Yesterday, very little time was allowed for discussion on the amendment offered by the gentleman from Illinois [Mr. DIRKSEN] to continue the operation of the regional offices of the Bureau of Foreign and Domestic Commerce. I dare predict that next week the Senate will write the Dirksen amendment into the Department of Commerce appropriation bill and that we will later accept it.

Now, to get back to the Hobbs bill for a moment. I have more than 70,000 men in my district who carry union cards. It does not seem unreasonable to me that I should have 5 minutes of the time of this House in which to discuss some of the fears of these 70,000 against the Hobbs bill. And, at this point I wish to make it plain that I owe nothing to the C. I. O. leaders—they spent their money and did everything possible to defeat me last November. Nothing I do or say on the floor of this House is going to change the minds of the C. I. O. leaders in Connecticut. The activities of these leaders, however, do not justify my voting for this bill, even though it might well be some of these same leaders who later may fall victims to the unreasonable provisions. The passage of the Hobbs bill is not going to help labor relations during this period of war, when we need production as never before. I will not vote for legislation that gives organized labor privileges not given to others, nor will I knowingly vote for legislation that invokes penalties on members of a labor organization that cannot be invoked against a citizen who is not a member of organized labor.

An effort is being made to make us believe that robbery and extortion and other crimes cannot be adequately punished under existing laws if the person who commits the crime carries a union card and is out on strike. I am one of the 205 Members earlier referred to who is not a lawyer, but I know that such a claim is not true. The sponsor of this bill, the gentleman from Alabama [Mr. HOBBS], who a few moments ago moved to cut off debate with 14 Members indicating a desire to be heard on this amendment, told the House an hour ago that if a union member, at home, due to the fact that he was out on strike, committed a certain felony, he could not be prosecuted. How absurd. I know he could be, and would be, convicted in the State I represent, not under the Hobbs Act, to be sure, but under adequate laws adopted in Connecticut many years ago. The same is true in New York State. The present Governor of New York, while serving as district attorney for New York City, was certainly successful in prosecuting racketeers of all kinds, including labor racketeers. And, may I say at this point that I would like to see every labor racketeer sent to prison or, if guilty of retarding production on any phase of the war effort, shot at sunrise.

The Hobbs bill is simply another example of the effort being made to more and more control every aspect of our daily lives from Washington, D. C. The sponsors of this legislation contend that our States cannot or will not punish labor racketeers, but, when it is suggested that the Federal Government attempt to wipe out lynching, they cry to the high heavens that the States should be permitted to deal with the crime of lynching. This same is true on the poll-tax law.

Can anyone justify sending a union member to prison for 20 years for committing a misdemeanor during a labor dispute when a nonunion member, guilty of the same offense under different circumstances, would receive a fine of possibly $25?

In the past I have voted for legislation opposed by the C. I. O. and, by the same token, voted against legislation favored by the C. I. O., and will doubtless do so again. During this war there can be no favored classes or individuals. All must sacrifice alike. With few exceptions, labor has produced as never before, and we have shown the world that here, under our representative form of government, capital and labor can work together peacefully, toward the common goal of all of us—defeat of the Axis Powers and victory for the United Nations, which, in time, will make a better world for all of us.

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Washington [Mr. MAGNUSON] is recognized for 3 minutes.

Mr. MAGNUSON. Mr. Chairman, I just want to add my observations for a minute or two on the tangent which the House has got off on in regard to this bill. I do not think there is a person in this House today on either side of the aisle who is not for the purposes of the Hobbs bill. I think the only disagreement and the only difference of opinion here today is the so-called legal interpretation of the Hobbs bill. There are some of us who happen to feel, sincerely and deeply, that the legal interpretation of the Hobbs bill will not exactly create what the gentleman from Alabama [Mr. HOBBS] says it will create. Therefore we propose the amendment offered by the gentleman from New York [Mr. CELLER]. I do not think we are entitled to be berated or labor is to be berated on the floor of this House about strikes or production or anything else in the discussion of this bill. You Members in this House know the record of American labor production in this war is one of the finest in the world. Yes; and if you

want to go a little bit further, I wonder where we would have been today in our production schedules on this war if labor had not been organized to meet the emergency.

All this bill does in theory is to try to correct something we are all against, and I want to go along with my friend from Connecticut. I listened to the author of this bill and he left that impression on me. "Why," he said "if you were out on strike and you saw some girl you wanted to kidnap because you were on strike you could not be prosecuted." I know of no State in the Union that would not prosecute that man. In my State they would hang him for kidnaping. We ought to look at this thing coldly and legally; it is the legal interpretation of this bill that we should watch in this debate.

The CHAIRMAN. The time of the gentleman from Washington has expired.

The gentleman from Oklahoma [Mr. NICHOLS] is recognized for 3 minutes.

Mr. NICHOLS. Mr. Chairman, I had not intended to say anything on this bill until my friend the gentleman from Pennsylvania [Mr. FURLONG] made his statement.

I agree with the gentleman from Washington. I do not want to hear labor berated either, and I represent some labor down in my district. The gentleman from Pennsylvania [Mr. FURLONG] just said that all organized labor is against the Hobbs bill. They are not in my country. Organized labor in my district are red-blooded American citizens. Organized labor in my district are against extortion and robbery, and I am tired of having the laboring men I represent charged with being against a bill the principle of which is to write on the Federal statute books a law against extortion and robbery.

Mr. BRADLEY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield.

Mr. BRADLEY of Pennsylvania. Do they have a police force in the various cities of Oklahoma?

Mr. NICHOLS. They sure do.

Mr. BRADLEY of Pennsylvania. Are they not capable of taking care of robbery?

Mr. NICHOLS. Oh, they are. But they have a police department and policemen in the great State of New York where the high-jacking complained of took place that caused this bill to be brought to the floor, but they did not do anything about it.

Who is the man who would say that simply because there is a State law there should not be a Federal law against the same thing to protect men and goods that move in interstate commerce? That is no argument; no.

Mr. BRADLEY of Pennsylvania. Mr. Chairman, will the gentleman yield at that point?

Mr. NICHOLS. No; I cannot yield.

I do not want the laboring men of my district berated any more. Organized labor in my district is against extortion and robbery, and is for the Hobbs bill.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

The gentleman from Wisconsin [Mr. SAUTHOFF] is recognized for 3 minutes.

Mr. SAUTHOFF. Mr. Chairman, I notice this bill refers specifically to robbery and extortion. Why leave out all the other crimes and misdemeanors? Let us have an all-inclusive bill and put them all in—or do you want to except all the other offenses and confine the operation of the act merely to robbery and extortion?

Mr. HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. SAUTHOFF. No; I cannot yield.

Mr. HANCOCK. I suggest the gentleman read title II.

Mr. SAUTHOFF. The gentleman from Alabama [Mr. HOBBS], the gentleman from Texas [Mr. RUSSELL], the gentleman from Mississippi [Mr. WHITTINGTON], the gentleman from Oklahoma [Mr. STEWART], and the gentleman from Oklahoma [Mr. NICHOLS] have risen in support of the bill and against the Celler amendment. I am in favor of the Celler amendment. I should like to ask these gentlemen, inasmuch as there are State laws on the matters to which this bill refers, is it because they do not trust the State governments that they want this bill enacted? If that is the case, and I assume it must be, then why not let us pass the antilynching bill? If we do not trust the State governments then why not pass the anti-poll-tax bill? Let us get down to brass tacks. If we are to override State governments, all right; let us go ahead and do it all along the line. I see no reason for picking out organized labor as the villain and enact this law in order to hold a threat and a club over their heads and be able constantly to persecute them, if they do not do what their opponents want them to do, and make them behave.

Mr. RUSSELL. Mr. Chairman, will the gentleman yield?

Mr. SAUTHOFF. I cannot yield; I have only 3 minutes.

Mr. RUSSELL. The gentleman mentioned my name.

Mr. SAUTHOFF. That may be, and I am liable to mention it again.

Mr. Chairman, I want to say to these gentlemen that if they have the courage of their convictions and are opposed to State governments and State control then let them come out openly for the antilynching and the anti-poll-tax bill and let us make a clean sweep.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

The gentleman from Michigan is recognized for 3 minutes.

Mr. RUSSELL. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman.

Mr. RUSSELL. I want to answer the gentleman. This is a law against interstate commerce.

Mr. HOFFMAN. I know about that, and there is another answer to the gentleman from Wisconsin, and that is for 67 days Harold Christoffel, a Communist, with a wife holding a Government job, held up production in a plant—the Allis-Chalmers—over near Milwaukee which was engaged in making turbines for a powder plant down in Virginia and nothing was done in Wisconsin about it. Oh, yes; something was done. The strikers upset the Governor's automobile. Sixty-seven days' war production was held up. It is about time that somebody stepped in and took cognizance of that kind of a situation.

Mr. McMURRAY. Will the gentleman yield?

Mr. HOFFMAN. Oh, I just cannot to the gentleman from Wisconsin.

Every argument, however, that was made by the gentleman from Alabama [Mr. HOBBS] against the Celler amendment, every single argument he made—and I hope you will read it in the RECORD tomorrow—applies to the amendment offered by the committee. Do you recall that not long ago here in this debate the gentleman from Iowa [Mr. GWYNNE] said that he could not see a particle of difference between the committee amendment and the Celler amendment—tweedledee and tweedledum? Then you get back to the proposition I made awhile ago, if you want to stop the racketeering which is permissible under the Supreme Court decision, which has so often today been called to your attention, then why not strike out the foundation, the proviso in that law upon which the Supreme Court rested its decision? Then you would hit that kind of racketeering and you would not hit anything else, and you would not be taking the chance, when this thing comes up before some court in the future, of lending your approval to some of the illegal activities—I say "illegal," except they are made legal by court decisions—which are practiced under the National Labor Relations Act, the Norris-LaGuardia Act, and under the Antitrust Act, which do not apply to unions.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Maryland [Mr. BALDWIN].

Mr. BALDWIN of Maryland. Mr. Chairman, in answer to my colleague from Washington, I think there is no one in this House who by voting for this bill has any reason or any thought of doing anything in the slightest against labor. We realize their rights and we recognize them, we recognize their prosperity as being important from a civic and from an economic standpoint in this country, but I want to rise in opposition to the Celler amendment. For the information of some of you gentleman who were not present awhile back I will make the statement that the Maryland delegation had a meeting with the Maryland C. I. O. leaders, about 200 of them, 2 or 3 weeks ago. This Hobbs bill came up for discussion. They were opposed to it unless the Celler amendment was accepted and when asked directly why they would accept it with the Celler amendment, they very frankly said because it nullified the bill and the bill with that amendment meant nothing. They probably had very good legal advice on that question.

There is another thing I want to bring to the attention of this House. Organized labor and organized-labor leaders have received fair consideration from this House for the last 10 years and will

get it in the future. I have here copy of a bulletin sent out by Ford local 600 of the C. I. O. to the thousands of Ford employees, and here is what the C. I. O. says about the Hobbs antiracketeer bill:

A vicious antiunion bill is being pushed through in Congress. It is known as the Hobbs bill—H. R. 653—and it was prepared to suit the interests of the National Association of Manufacturers.

This Fascist piece of legislation would put the unions under the control of politicians and would:

1. Make unions subject to court action and lawsuits for wild-cat strikes or damage to property or persons.

2. Would make the unions liable to court action and lawsuits for loss of production.

3. Any violations of the law by the union or by individual members during wartime would make the penalty double.

Actually this would be the first attack against unions. Under this kind of law any individual could be fired or prosecuted at will.

Get a post card from your committeeman and send it to the following Michigan Congressmen.

Here are the same people who come in here and ask for fair treatment from Congress misrepresenting the intent of Congress on this bill and completely misrepresenting the intent of the Congress to the membership of this body.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the substitute amendment offered by the gentleman from New York [Mr. CELLER].

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 115, noes 140.

Mr. CELLER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. CELLER and Mr. HOBBS.

The Committee again divided; and the tellers reported that there were—ayes 126, noes 167.

So the substitute amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. ROBSION of Kentucky. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBSION of Kentucky: Amend title I, section 1 (b) by removing the entire paragraph contained on page 2, lines 9 to 16, inclusive, and inserting in lieu thereof the following:

"(b) The term 'robbery' means the felonious and forcible taking from the person of another, goods or money in any value, by violence or putting him in fear."

Mr. ROBSION of Kentucky. Mr. Chairman, H. R. 653 embraces title I and title II. Title I deals with robbery and extortion. Title II deals with the willful obstruction of interstate commerce by force, violence, and intimidation.

TITLE I. ROBBERY, EXTORTION

Title I defines robbery and extortion as follows:

(b) The term "robbery" means the unlawful taking or obtaining of personal property, from the person in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

(c) The term "extortion" means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.

It is urged this legislation is necessary because of a decision of the Supreme Court of the United States involving Local Teamsters' Union 807, of New York City. An indictment was returned in the district court of the United States charging a number of members of that local teamsters' union with violation of the Antiracketeering Act of 1934. A great many trucks of farmers, and others, carrying their farm produce and other commodities from the States surrounding and near New York, were stopped about the time they entered the corporate limits of New York City, and some member of this local union would board these trucks and insist upon driving the trucks to the warehouses and markets of New York City. For the smaller trucks they demanded $8 plus and for the larger trucks $9 plus. In some cases where the truck drivers refused to submit to these threats and pay the sum demanded, they were assaulted and beaten, and in some cases, after these persons collected the money, they immediately abandoned the trucks. This clearly was a racket, and similar rackets were carried on in and near other large cities of the country.

Several of these persons were indicted by the grand jury in one of the Federal district courts of New York. They were convicted by a jury. This case, under the heading of "Deal against United States," reached the Supreme Court of the United States, and in a written opinion, the Supreme Court decided a conviction could not be sustained on the ground defendants were carrying on a legitimate labor activity. Chief Justice Stone wrote a strong dissenting opinion.

Mr. Daniel Tobin, head of the International Teamsters' Union, according to press reports, repudiated the conduct and action of these members of Local 807 and members of other locals. I have not yet heard of any responsible labor leader approve their conduct. I am sure the leaders of labor were as much surprised over this decision of the Supreme Court as lawyers generally were. I cannot understand how the majority arrived at its decision. The facts were clear and the law plain. But for that decision this bill would not be before us.

When these men met these trucks and by threats of force and violence took possession of the trucks and collected these sums they certainly did not create the relationship of employer and employee, and they violated the Antiracketeering Act. It was nothing more nor less than robbery or extortion. This kind of conduct could not be approved in peacetime and much less so when we are at war, when food and feed were being taken into these great centers to be transferred to the people and to our fighting men on land, sea, and in the air throughout the world. A handful of men at these great centers would effectively prevent a lot of this food and feed from flowing into interstate commerce and providing food for our armed forces, and as a loyal friend of labor it is most gratifying to me that the leaders generally throughout the country of organized labor have placed their stamp of disapproval on this conduct. They do not look upon robbery or extortion as legitimate activities of the labor movement. They know and we know that conduct of this kind is a disservice to organized labor, and if persisted in will do more to discredit organized labor in the eyes of the American people than any other one thing. This is certainly no time for rackets or racketeering. Robbery and extortion are among the heinous crimes that have been known to the law for centuries. Robbery and extortion cannot be justified in the name of any group. No man ought to be permitted to rob or extort money or property even though he be clothed with the sanctity of the church.

Many conscientious leaders of labor fear this legislation may be used to oppress and harass labor. As I understand they do not object to any legislation that may be necessary to prevent robbery or extortion and prevent a repetition of the conduct indulged in as was by the members of Local Teamsters' Union 807. They do not want their members, under the cloak of unionism, to engage in robbery or extortion, but they do not want labor tried for other alleged offenses under the guise of robbery and extortion. Many of us in the House and out feel the definition of robbery, as set forth in the bill, is too loosely drawn and does not conform with the accepted definition of robbery, and I therefore am submitting an amendment which I claim correctly defines robbery.

Persons tried under this proposed legislation, if it becomes law, will be tried in the Federal courts. The Supreme Court in the case of *Deal* v. *United States* (274 U. S. Repts., p. 277), correctly defines robbery as follows:

The term "robbery" means the felonious and forcible taking from the person of another goods or money of any value by violence or putting in fear.

This definition of robbery is given in Bouvier's Law Dictionary and the same language was used in the case of Jolly versus United States (170 U. S., p. 402).

The highest courts of many States have approved this same definition. I refer to *Hammond* v. *Commonwealth* (198 Ky., p. 453), and *Douglass* v. *State of Alabama* (App., p. 299). This is the State of the author of this bill. I shall not take the time to point out the definition announced by the highest courts of many other States of the Union.

Mr. FOLGER. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to the gentleman from North Carolina.

Mr. FOLGER. Will the gentleman tell me what this language on page 2, lines 11 and 12, means:

By means of actual or threatened force, or violence, or fear of injury.

Whose fear of injury is referred to? What does that mean?

Mr. ROBSION of Kentucky. In my opinion, that definition is very loosely drawn, and for that reason I am offering my amendment.

The Criminal Code of the United States defines robbery substantially as set forth in the case of Deal against the United States. If this clear and unequivocal definition of robbery, as set forth in my amendment, should be adopted, it would eliminate much of the opposition to this bill. Since the Supreme Court in the Deal case and other cases, and with the highest courts of many of the States approving this definition, why should it not be accepted and placed in the bill? The author of the bill claims he is seeking to try and convict persons guilty of robbery and extortion. I cannot see why he should object to a correct definition being written into the statute for robbery and extortion. There seems to be no serious objection to the definition in the bill as to extortion.

There is some objection to the penalties prescribed in this bill for robbery and extortion. It has gone forth to the country that the penalty is 20 years. That is not a correct statement. The penalties range from 1 hour up to 20 years, according to the offense, and fines of $1 to $10,000. In other words, the 20 years and the $10,000 fine are the maximum. The court can fix any length of time of imprisonment up to 20 years or any fine up to $10,000, or both. The court might fix the penalty at 1 hour in jail and then in an aggravated case it might fix the penalty at 20 years. It could fix a 1-cent fine or in an aggravated case a $10,000 fine. The judge can impose a fine or imprisonment or both according to the evidence.

In Kentucky a person may be sentenced to life imprisonment or put to death for robbery and for extortion in certain cases. The average maximum imprisonment for all the States is about 20 years.

I am not much worried over the penalties imposed on anyone who actually commits robbery or extortion, in taking money or property or other thing of value from another person by force or violence or by putting him in fear. No individual or group should be permitted to engage in robbery or extortion in this free land of ours, even a church or association of ministers.

Legitimate and lawful activities of labor should and must be protected. The Judiciary Committee wrote an amendment into the bill, which is as follows:

That nothing in this act shall be construed to repeal, modify, or affect either section 6 or section 20 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, or an act entitled "An act to amend the judicial code and to define and limit the jurisdiction of the courts in equity, and for other purposes," approved March 23, 1932, or an act entitled "An act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes," approved May 20, 1926, as amended, or an act entitled "An act to diminish the causes of labor disputes burdening or obstructing interstate or foreign commerce, to create a National Labor Relations Board, and for other purposes," approved July 5, 1935.

The gentleman from New York [Mr. CELLER], a member of the Judiciary Committee, has offered a substitute amendment. It is agreed by the author of the bill and others that in substance there is no difference between the committee's amendment to the bill and the Celler amendment.

In view of the recent decision of the Supreme Court in the case of United States against Local Teamsters' Union, Local 807, we ought to set out definitely and clearly the intention of the Congress in this legislation. Since it is urged by the author of the bill and others there is no difference in substance and effect between the committee amendment and the Celler amendment, and feeling the Celler amendment is more clear and definite, it is my purpose to vote for the Celler amendment when it comes up.

TITLE II

Title II deals specifically with the willful obstruction of the orderly transportation of persons or property in interstate or foreign commerce, such as the transportation of troops, munitions, war supplies, or mail, and so forth, on railway, State highway, air or water, which is accompanied by physical force or intimidation by threats of physical force. This title only applies while the United States is at war.

It is needless to say in time of war no one should be permitted to retard or obstruct knowingly and willfully by physical force or intimidation by threat of physical force the transportation of our troops, munitions, war supplies, mail, or other persons or property. There must be a free flow of our interstate and foreign commerce, by rail, air, waterway, and highway if we are to prosecute successfully our great war effort.

So far as I have been able to learn there has been no opposition expressed to title II of this bill. My amendment defining robbery and the Celler amendment making more definite and clear the protection for lawful activities of labor, if adopted, should remove all objections to the bill, and at the same time accomplish fully the objectives of the bill to protect the people against robbery, extortion, rackets and racketeers, and protect the movement of our troops, munitions, war supplies, mail, and so forth, in the prosecution of the war.

Mr. HOBBS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, of course, the Supreme Court deals with the cases that are before it. When common-law robbery is involved, they give the common-law definition of robbery. That is all that decision amounts to, and the gentleman might have read a dozen others.

I will tell you why robbery is defined as it is in this bill. The testimony before our committee in the 429 pages of hearings we took last year showed that about 80 percent of the holdups in the United States occur in New York City; that more than 100 trucks a night carrying fresh fruits and vegetables from the farms of New Jersey are held up and robbed there every night. Pennsylvania contributes about a hundred. There are many others, running into the thousands a week. Therefore, in looking for the definition of robbery to be put in this bill, going on the old-fashioned principle that the hair of the dog is good for the bite, I copied the definition of robbery that is in this bill from the statute of New York, substantially. There are one or two words added which do not change the significance of it at all. Substantially it is the same.

Of course, I had to cover the obtaining, because sometimes the driver of the truck does not have the $9.42 in his pocket and has to give an order on or get it from the consignee. But aside from that, there is little or no difference.

The gentleman from North Carolina asks what "threat of violence" means?

Mr. FOLGER. No; will the gentleman yield?

Mr. HOBBS. I will be delighted to yield.

Mr. FOLGER. I do not understand this. The bill reads "by means of actual or threatened force or violence."

If you put in there also "or engendering fear of injury" I could understand it, but you say, "or fear of injury."

Mr. HOBBS. That is right.

Mr. FOLGER. That fear would be the fear of the man who had the goods?

Mr. HOBBS. In answer to the gentleman, may I say that the appellate court of New York has defined their robbery statute and every word in it a hundred times.

Mr. FOLGER. If you had in there the words "engendering fear of injury" I would understand it, but I do not understand it the way it is.

Mr. HOBBS. Of course, I cannot illustrate without fear of injury what actual violence means, but the gentleman would understand if I put this fist in this manner on his nose [striking his left hand violently with his right fist]. Threatened violence would mean that I was drawing back to do that thing. Violence would be if I were wielding a blackjack over the gentleman, or a pistol with which I threatened to beat him into a pulp, as they did a man from Akron, Ohio, there the other night. This is one of the most significant things that has ever come to my attention in connection with this whole racketeering question.

A man from Akron, Ohio, licensed to drive a truck in interstate commerce, drove a truck to New York. He went there and they held him up. He paid his fine. He paid what the racketeers wanted, $9.42. They put a drunk in there, a man who was absolutely so drunk he was dangerous. This man said, "I do not mind paying you the $9.42, I knew I was going to have to pay that to get through the Holland Tunnel into New York, but this man is too drunk to drive anybody through the streets." So they took off the drunk and took a man who was not drunk out of the goon squad and he got up on the truck and drove on into Washington Market. Then the Ohio man came back, and the drunk was waiting. He beat him into a pulp. He had to go to the hospital and stay there I do not know how long.

The complaint came to me from the Honorable John G. Cooper, of Ohio, who is on the Compensation Commission of Ohio. His complaint is that the Compensation Commission of Ohio had to pay the doctor and hospital bills and the man's time off from work because of that beating that he got at the mouth of Holland Tunnel. That is what we are talking about, and that is why the New York statute is quoted in this bill. We are not talking about common-law robbery, we are talking about New York robbery, in the main.

Mr. ROBSION of Kentucky. The opinion that I read was an indictment on a statute, not common law.

Mr. VORYS of Ohio. Mr. Chairman, I move to strike out the last word.

Mr. SUMNERS of Texas. Mr. Chairman, I ask unanimous consent that debate upon this amendment close in 5 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. VORYS of Ohio. Mr. Chairman, I am for a bill that is going to stop everyone, whether a member of a labor union or not, from committing robbery and extortion to interfere with interstate commerce in wartime. I feel, however, that this definition of robbery which is taken from the New York statute, and which combines three degrees of robbery all together here, adding a few other words, is going too far afield on something that is not vital to our purpose. Under this definition, which you find before you in the House bill, it would be possible that taking property by causing fear of future injury to the property of someone in somebody else's company at the time of the taking would constitute a crime. When it comes to beating up people, that comes clearly under the common-law definition of robbery. When it comes to what is the real heart of racketeering—and that is extortion—I certainly approve of the words the committee has used to define what we mean by extortion.

Let us remember that we are not attempting to forbid all kinds of violence. We are trying to make a legal definition of racketeering. Both robbery and extortion have to do with the securing of property by vicious, criminal means. Rather than have some definition which has never yet appeared in any lawbook, or in any court decision—that is the one now in the House bill—which is an assembly of parts of New York law, with some additional suggestions by the committee, why not do what the gentleman from Kentucky [Mr. ROBSION] has suggested, and for "robbery" use the words that have been defined by our Supreme Court, which constitutes an obvious definition of common-law robbery, and then leave in the definition for extortion, so that we will have it clearly defined that we mean what we say when we say we are voting to prevent the use of robbery and extortion to obstruct interstate commerce in wartime?

Mr. HOBBS. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. Yes.

Mr. HOBBS. Would not the gentleman include the New York statute in his remarks at the proper point? There are two definitions set forth in the bill, both of which are based on the New York law.

Mr. VORYS of Ohio. I have the New York statute before me here and I have the bill before me, and while the bill follows the New York statute closely I find nothing in the New York statute about "obtaining" rather than the taking of property, and I find nothing about "actual or threatened" force or violence. I find nothing about property in a person's "custody or possession," although I believe this is a wise addition to the definition. I am not sure that this definition would not parse out, but when we are trying to make clear what we mean, when we are dealing with a controversial matter, it seems to me it would be far wiser to stick to a definition of robbery that has had repeated construction by the courts, rather than a combination of words, which has not yet been before a court, and which might have an effect we do not intend. One thing we want to prevent is the common law idea of taking property or money from a man either by fear or threat or force or by violence, and that is what the gentleman from Kentucky has suggested in his amendment. The committee's definition of racketeering is much better than the vague terms of the law which is being repealed, but I believe we could improve on it by adopting this amendment.

The CHAIRMAN. The time of the gentleman from Ohio has expired. The question is on the amendment offered by the gentleman from Kentucky.

The question was taken; and on a division (demanded by Mr. ROBSION of Kentucky) there were—ayes 42, noes 140.

So the amendment was rejected.

Mr. LAFOLLETTE. Mr. Chairman, I offer an amendment which is on the desk.

The Clerk read as follows:

Amendment offered by Mr. LAFOLLETTE: After the word "felony", on page 3, line 10, and before the words and figures "Sec. 6" on line 11, page 3, insert a new paragraph designated Sec. 6, to read as follows:

"SEC. 6. Prosecutions under this act shall be commenced only upon the expressed direction of the Attorney General of the United States."

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. LAFOLLETTE. Yes.

Mr. SUMNERS of Texas. Mr. Chairman, I ask unanimous consent that all debate upon this amendment close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAFOLLETTE. Mr. Chairman, I would rather not be required to yield during these 5 minutes. I discussed this morning my reason for offering this amendment. Perhaps there may be people here now who did not hear me, but I yielded fully at that time, and I would like now to be permitted to proceed without interruption.

The amendment that I am offering is found in the original act of 1934. It is not found in the present bill, and there is no question by anyone on the committee who has studied the question that it has been left out, and, as I understand it, purposely left out. The reasons for the committee leaving it out are not my concern, but we are repeatedly told that we are simply leaving the old act and making it applicable to labor and nothing else, but I find that the gentleman from Pennsylvania [Mr. WALTER] this morning made a passionate plea for the adoption of this legislation and largely based it on the fact, apparently, that he was under the misapprehension that the amendment that I offer is already in the bill. He very definitely stated that it was put in the bill in order to keep labor from being affected by district attorneys all over the country.

There are five acts dealing with wrongful acts in interstate commerce, with reference to capital, that I can think of now; namely, the Federal Power Act, the Communications Act, the Packers and Stockyards Act, the Investment Company Act, and the Antitrust Act, all of which have similar language. In other words, this Congress has said to capital, "We are going to have uniform prosecution of this law throughout the United States, and therefore district attorneys must go to the Attorney General before they institute prosecutions." If you are going to say that, let us be fair. This affects interstate commerce, we say. It does not have anything to do with State rights. We say we need it because the State laws are not effective. If that is true, if you want to say that you are doing nothing but amending this act, then put this amendment which I am proposing back into the bill and leave this law the way it was when you passed it in 1934.

As far as I am concerned, if this amendment in the old act was necessary to protect Dillinger and Capone, I think it is necessary in this bill to protect the legitimate activities of labor from district attorneys who might be subject to local pressure in various districts throughout the United States.

I think in good faith this amendment should be adopted.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. GRAHAM. Mr. Chairman, I rise in opposition to the amendment.

Under the procedure in the appointment of United States attorneys, the appointment is made by the Attorney General of the United States after investigation conducted by the Federal Bureau of Investigation. The name is then submitted to the Senate by the President for confirmation. The United States attorney is confirmed by the Senate. As a consequence, the men selected are usually men of high character and ability. They take upon themselves the duty of the office, and in their respective districts handle all reports submitted to them by the various agencies of Government, the F. B. I., the Secret Service, the Alcohol Tax Unit, the Internal Revenue, or whatever board of

investigation submits the evidence to them. As a consequence, I think discretion is allowed the United States attorney.

Speaking personally—and I trust the House will pardon this personal allusion—many, many times while United States attorney I consulted the Attorney General in Washington with reference to procedure and the course of action. Almost invariably it was left to our discretion. They informed us we were in possession of all the facts and circumstances and knew what we were to do.

So much for the procedure then. I assume it is the same today, although I have not been a United States attorney for 10 years. But over and above every consideration is this fundamental fact, that if you place in the hands of the Attorney General alone the sole power to decide this, you have placed the fate of all organizations in the country that may come under this law in the hands and at the will and caprice of one man. That is what we are driving against, that no one man shall exercise any capricious action, and override some 85 United States attorneys.

Mr. LAFOLLETTE. Will the gentleman yield?

Mr. GRAHAM. Pardon me. The gentleman refused to yield. I do not mean to be discourteous, but I cannot yield.

The United States attorney is not subject to local pressure at all. He is appointed for 4 years. He is not like a local district attorney. He is always under investigation. His office is regularly examined every year. An examiner comes into his office and passes upon his conduct. Every month he must make reports. It seems to me that while I was a district attorney my chief duty for about 4 days at the end of each month was making reports.

I fear that the gentleman who has just preceded me is not familiar with United States court work, procedure, and practice.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Indiana [Mr. LAFOLLETTE].

The amendment was rejected.

Mr. HOFFMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: On page 1, line 3, strike out all after the enacting clause and insert:

"That section 6 of the Antiracketeering Act of June 18, 1934, the same being section 420 (d) of title 18, United States Code (48 Stat. 980), be, and the same is hereby, amended by striking out the colon after the word 'conspirator', inserting a period, and striking out the remainder of said section, beginning with the word '*Provided.*'

"SEC. 2. That section 2 (a) of the Antiracketeering Act of June 18, 1934, being section 420 (a) of title 18, United States Code (48 Stat. 479), be, and the same is hereby, amended by striking out therefrom the comma after the word 'services', inserting a semicolon, and striking out therefrom, following said semicolon, the words, 'Not including, however, the payment of wages by a bona fide employer to a bona fide employee.' "

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. SUMNERS of Texas. Will the gentleman yield for a unanimous-consent request?

Mr. HOFFMAN. Yes; if it is not taken out of my time.

Mr. SUMNERS of Texas. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN. Mr. Chairman, a few days ago when William Green was before a Senate committee it developed that when Camp Blanding was constructed a carpenters' union of 250 members were required to pay a fee of $50. Thereafter the union business agent stood right beside the pay counter. Additional men were called on the job. In 5 months they had 18,000 different employees on that pay roll, although only five or six thousand worked at any one time. The union collected $900,000 in 5 months. Now, I ask you if you put in the committee amendment do you not legalize that sort of procedure, and will not the court say that that is an activity that comes under the Wagner Act? Was the collection of $50 each from those men—as the price of a job—extortion? Was it?

Here is another one: In this milk driver's case to which I referred a while ago windows were smashed and the places of business were bombed over a period of weeks. When that case came before the circuit court of appeals the court said that that was an unlawful activity the purpose of which was to collect money. That was attempted extortion, attempted extortion through violence. The United States Supreme Court, in reversing that decision of the circuit court of appeals, which held that conduct unlawful, had this to say:

The court of appeals concluded that the defendant's picketing activities constituted a secondary picketing in violation of the Sherman Antitrust Act and for this reason regardless of the Norris-LaGuardia Act the district court had jurisdiction to grant an injunction even though the case arose out of or involved a labor dispute. In this the court was in error.

What they held was that those unions could go ahead, as far as Federal law was concerned, and dynamite and smash windows over a period of weeks, and yet under the Norris-LaGuardia Act and under the National Labor Relations Act they were protected from injunction unless it could be shown that the local authorities failed to give protection. The committee amendment provides that nothing in this bill which is supposed to stop racketeering shall repeal, modify, or affect any one of those four acts under which the kind of procedure to which reference has been made is declared by the Court, mind you, not by the statute, by the courts, to be lawful.

The amendment offered is simple. If you had a chair out here that was standing on one leg and you wanted to knock the chair over, what would you do? You would knock the leg out from under it. The Supreme Court decision which brings this Hobbs bill here rests upon one thing, and one thing only, less than 20 words in the Anti-Racketeering Act. Never mind these amendments. My proposition to the committee is that if you want to remedy, if you want to override the decision of Judge Byrnes in that case, just knock that one prop out from under it, for it is the only thing that supports it, and then you will not be attacking any of these labor unions, because it is admitted that no one favors robbery or extortion. Strike out the 17 words of the exception upon which the Court's decision is based and you have overruled or reversed the effect of it.

Why not take the simple way? Destroy the foundation of the decision and the whole thing falls.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The question is on the amendment offered by the gentleman from Michigan.

The amendment was rejected.

Mr. DAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAY: On page 2, line 19, after the word "fear", strike out the comma and insert a period, and strike out the remainder of line 19 and all of line 20.

Mr. SUMNERS of Texas. Mr. Chairman, I wonder if we cannot reach an agreement as to time on this amendment? I ask unanimous consent that debate on this amendment end in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. DAY. Mr. Chairman, I wonder if the committee is not guilty of some inadvertence in their definition of the word "extortion" on page 2, section (c). I ask the author of the bill to follow me closely. I read:

The term "extortion" means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear—

Up to that point it would amount to duress, it is clear intimidation or extortion. Then it states:

or under color of official right.

I want to ask this, and if you do not mean this in the bill, then so state in the interest of clarification of the future enforcement of this act and for the benefit of the House. Inasmuch as the first section of this bill carries a penalty of 20 years and a fine of $10,000, it is not wartime legislation, but is permanent legislation, and an amendment of the act of June 18, 1934.

When you say that by extortion you mean getting money or property from a man with his consent or under color of official right, it would apply to an initiation fee in a labor union.

Mr. HOBBS. Certainly not. "Color of official right" means absence of right but pretended assertion of right.

Mr. DAY. I know; but what do the words "official right" mean?

Mr. HOBBS. The same thing.

Mr. DAY. It has not got to be by some authority?

Mr. HOBBS. In other words, you pretend to be a police officer, you pretend to be a deputy sheriff, but you are not.

Mr. DAY. I think the change should be made that I have mentioned.

Mr. HOBBS. It could not possibly apply if there was any bona fide right; it applies only to pretended right.

Mr. BRADLEY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DAY. I yield.

Mr. BRADLEY of Pennsylvania. With reference to what the gentleman from Illinois said about union dues, suppose somebody should say that he paid union dues only because of fear or violence. I think the gentleman is right.

Mr. DAY. That is just the point. A union official might be indicted and face a 20-year sentence in a Federal penitentiary or $10,000 fine. Not only that, but there might be great hardship to himself and his family if there should be some careless construction of this language. I think this is very important.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. DAY. I yield.

Mr. SUMNERS of Texas. May I suggest to my friend that if he will examine the language carefully I believe he will conclude that it means money acquired by some person who claims to be an officer of the law who is trying to take his money.

Mr. DAY. You say that.

Mr. SUMNERS of Texas. That is the language.

Mr. DAY. It is subject to the construction I have given it or I could not have arrived at it. This is a penal statute. Why do you not make it clear?

Mr. SUMNERS of Texas. We believe we have. "Officially" means an officer of the Government.

Mr. DAY. The gentleman knows there is a quibble in there or he would not be debating it. You are writing a statute here.

Mr. SUMNERS of Texas. Would the gentleman accept the statement by the chairman of the Judiciary Committee that reported the bill that the language means money acquired by somebody claiming to be a public officer?

Mr. DAY. You say that but why do you not say "by some public official"?

Mr. SUMNERS of Texas. That is it.

Mr. DAY. An officer of a union is a private official, not a public official.

Mr. SUMNERS of Texas. No.

Mr. DAY. Why leave any doubt about it? Let us write these laws in clear language.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. DAY].

The amendment was rejected.

Mr. FOLGER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. FOLGER: Page 4, line 16, after the word "this", strike out the word "section" and insert the word "at."

Mr. HOBBS. Will the gentleman yield?

Mr. FOLGER. I yield to the gentleman.

Mr. HOBBS. That is the committee amendment that has already been adopted.

Mr. SUMNERS of Texas. For the purpose of informing the gentleman who has offered the amendment, may I say it is a good amendment, it has already been recognized as such, and the committee has made the change?

Mr. FOLGER. It has been adopted?

Mr. SUMNERS of Texas. Yes.

Mr. FOLGER. That is all right then.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina [Mr. FOLGER]?

There was no objection.

Mr. FISH. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. FISH: Page 3, line 13, after the word "than", strike out "twenty" and insert "ten."

Mr. FISH. Mr. Chairman, I will only require a minute to speak on this amendment. When the bill was before the Rules Committee it seemed to me at that time that these penalties were excessive. Twenty years is just about as bad as a life sentence, and I want to give the House the opportunity to reduce it by cutting it in half. This applies to threats. A man may be sent to jail for 20 years merely for threatening extortion. Such a drastic and severe penalty takes you back to the dark ages, and is not warranted or in line with the offense.

I have another amendment at the desk which affects title II on page 3, line 19, after the word "retard", strike out "or aid in obstructing or retarding, or attempt to obstruct or retard." There is no sound reason for such language in connection with transportation by rail. It is not needed and only reflects on the loyalty of railroad men. It might be used with the drastic penalty attached against minor infractions involving delays by railroad employees. There is no more loyal or patriotic group of Americans than members of the Railroad Brotherhoods in peace and in war. Day and night, winter and summer, in storm and bad weather they are rendering an important war service in keeping the wheels turning in carrying troops and munitions and food for the American people. I would like a vote on this amendment, also.

Mr. HOBBS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. FISH].

Mr. Chairman, the punishment fixed in this bill is a maximum, and any punishment imposed by a judge of 1 cent or 1 hour in jail would be covered by this maximum penalty just the same. May I point out to the House again that this bill was copied substantially from the New York statute which punishes first-degree robbery by a minimum punishment of 10 years and a maximum of 30 years. We took the average of 20 as the maximum, with no minimum. I think the gentleman is amply protected in his desire for the penalty to be reasonable and all we are doing is giving the court the right to make the punishment fit the crime.

Mr. WALTER. Will the gentleman yield?

Mr. HOBBS. I am delighted to yield to the gentleman from Pennsylvania.

Mr. WALTER. May I call the attention of the House to the fact that title 2 of the act applies to the most heinous offense conceivable, namely, interference with troop trains in time of war, and conceivably the punishment would not be adequate if there would be a violation of that title of the act.

Mr. FISH. That is title 2. My amendment applies to title 1.

Mr. VORYS of Ohio. Will the gentleman yield?

Mr. HOBBS. I yield to the gentleman from Ohio.

Mr. VORYS of Ohio. Does not the definition also cover third-degree robbery, which, under the New York law, carries a maximum penalty of 10 years?

Mr. HOBBS. I do not so understand it.

Mr. VORYS of Ohio. That is in the New York law. Does not the present law have a maximum of 10 years?

Mr. HOBBS. I may say to the gentleman that in other sections of New York law that is true, but not in the section I substantially quoted.

Mr. MAY. Will the gentleman yield?

Mr. HOBBS. I am glad to yield to the gentleman from Kentucky.

Mr. MAY. The purpose of the maximum penalty in the bill, as I understand it, would be to allow room for aggravated cases?

Mr. HOBBS. To enable the judge, who tried the case and heard the evidence, make the punishment fit the crime.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FISH].

The amendment was rejected.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WOODRUM of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee, having had under consideration the bill (H. R. 653) to amend the act entitled "An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation," approved June 18, 1934, pursuant to House Resolution 154, he reported the same back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. LAFOLLETTE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. LAFOLLETTE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. LAFOLLETTE moves to recommit the bill to the Committee on the Judiciary.

Mr. SUMNERS of Texas. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. BRADLEY of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 270, nays 107, not voting 57, as follows:

[Roll No. 50]

YEAS—270

Abernethy	Courtney	Gossett
Andersen, H. Carl	Cox	Graham
Anderson,	Cravens	Grant, Ala.
N. Mex.	Crawford	Grant, Ind.
Andresen,	Creal	Gregory
August H.	Culkin	Griffiths
Andrews	Cunningham	Gross
Angell	Curtis	Gwynne
Arends	Davis	Hagen
Arnold	Dewey	Hale
Auchincloss	Dies	Hall,
Baldwin, Md.	Dirksen	Edwin Arthur
Barden	Disney	Hall,
Barrett	Ditter	Leonard W.
Beall	Domengeaux	Halleck
Beckworth	Dondero	Hancock
Benrett, Mo.	Doughton	Hare
Blackney	Douglas	Harless, Ariz.
Bland	Drewry	Harness, Ind.
Bonner	Durham	Harris, Ark.
Boren	Dworshak	Harris, Va.
Bradley, Mich.	Eaton	Hays
Brehm	Ellis	Hébert
Brown, Ga.	Ellsworth	Hendricks
Brown, Ohio	Elmer	Herter
Bryson	Elston, Ohio	Hess
Buffett	Engel	Hill
Bulwinkle	Fellows	Hinshaw
Burch, Va.	Fenton	Hobbs
Burgin	Fernandez	Hoeven
Busbey	Fish	Hoffman
Camp	Fisher	Holmes, Wash.
Canfield	Flannagan	Hope
Carlson, Kans.	Folger	Horan
Case	Fulbright	Howell
Chapman	Fulmer	Jarman
Chenoweth	Gale	Jeffrey
Chiperfield	Gallagher	Jennings
Church	Gamble	Jensen
Clark	Gathings	Johnson,
Clason	Gavin	Anton J.
Clevenger	Gearhart	Johnson,
Cole, N. Y.	Gerlach	Luther A.
Colmer	Gifford	Johnson,
Compton	Gilchrist	Lyndon B.
Cooley	Gillette	Johnson, Okla.
Cooper	Gillie	Johnson, Ward
Costello	Goodwin	Jones
	Gore	Jonkman
Kean	O'Neal	Stockman
Kearney	Pace	Sullivan
Keefe	Patman	Sumner, Ill.
Kefauver	Patton	Sumners, Tex.
Kerr	Peterson, Ga.	Sundstrom
Kilburn	Philbin	Taber
Kilday	Phillips	Talbot
Kinzer	Poage	Talle
Kleberg	Poulson	Tarver
Kunkel	Price	Taylor
Lambertson	Priest	Thomas, N. J.
Lanham	Ramspeck	Thomas, Tex.
Lea	Randolph	Tibbott
LeCompte	Rankin	Tolan
LeFevre	Reece, Tenn.	Towe
McCormack	Reed, Ill.	Treadway
McGehee	Reed, N. Y.	Troutman
McLean	Rees, Kans.	Van Zandt
McMillan	Rivers	Vincent, Ky.
McWilliams	Rizley	Vinson, Ga.
Mahon	Robertson	Voorhis, Calif.
Manasco	Robsion, Ky.	Vorys, Ohio
Mansfield, Tex.	Rockwell	Vursell
Martin, Iowa	Rodgers, Pa.	Wadsworth
Martin, Mass.	Rogers, Mass.	Walter
Mason	Rohrbough	Ward
May	Russell	Welchel, Ohio
Merrow	Sasscer	West
Michener	Satterfield	Wheat
Miller, Nebr.	Schwabe	Whelchel, Ga.
Miller, Pa.	Scott	White
Mills	Shafer	Whitten
Monroney	Short	Whittington
Morrison, N. C.	Simpson, Ill.	Wickersham
Mruk	Simpson, Pa.	Wigglesworth
Mundt	Slaughter	Willey
Murdock	Smith, Ohio	Winstead
Murray, Tenn.	Smith, Wis.	Wolcott
Murray, Wis.	Springer	Wolfenden, Pa.
Newsome	Stanley	Woodruff, Mich.
Nichols	Steagall	Woodrum, Va.
Norrell	Stearns, N. H.	Worley
O'Brien, N. Y.	Stefan	Zimmerman
O'Hara	Stewart	

NAYS—107

Baldwin, N. Y.	Hart	Miller, Conn.
Barry	Heffernan	Miller, Mo.
Bender	Hoch	Murphy
Bennett, Mich.	Holifield	Myers
Bishop	Hull	Norman
Bloom	Jackson	Norton
Bolton	Jenkins	O'Brien, Mich.
Bradley, Pa.	Johnson,	O'Connor
Buckley	Calvin D.	O'Konski
Burchill, N. Y.	Johnson, Ind.	O'Leary
Burdick	Johnson,	Peterson, Fla.
Butler	J. Leroy	Pittenger
Capozzoli	Kelley	Ploeser
Celler	Keogh	Powers
Cochran	King	Rabaut
Coffee	Kirwan	Ramey
Cole, Mo.	Klein	Rogers, Calif.
Crosser	LaFollette	Rolph
Curley	Landis	Rowan
D'Alesandro	Lane	Rowe
Day	Larcade	Sadowski
Delaney	Lemke	Sauthoff
Dickstein	Lesinski	Scanlon
Dilweg	Lewis, Ohio	Schiffler
Eberharter	Ludlow	Schuetz
Ellison, Md.	Lynch	Sheridan
Englebright	McCowen	Sikes
Fay	McGranery	Smith, W. Va.
Feighan	McGregor	Snyder
Fitzpatrick	McMurray	Spence
Forand	Madden	Wasielewski
Ford	Magnuson	Weiss
Furlong	Maloney	Welch
Gavagan	Mansfield,	Wene
Gorski	Mont.	Wolverton, N. J.
Granger	Marcantonio	Wright
Green	Merritt	

NOT VOTING—57

Allen, Ill.	Fogarty	Monkiewicz
Allen, La.	Gibson	Morrison, La.
Anderson, Calif.	Gordon	Mott
Bates, Ky.	Guyer	O'Brien, Ill.
Bates, Mass.	Hartley	O'Toole
Bell	Heidinger	Outland
Boykin	Holmes, Mass.	Pfeifer
Brooks	Izac	Plumley
Byrne	Judd	Pracht
Cannon, Fla.	Kee	Richards
Cannon, Mo.	Kennedy	Robinson, Utah
Carson, Ohio	Knutson	Sabath
Carter	Lewis, Colo.	Sheppard
Cullen	Luce	Smith, Maine
Dawson	McCord	Smith, Va.
Dingell	McKenzie	Somers, N. Y.
Elliott	Maas	Sparkman
Starnes, Ala.	Thomason	Wilson
Stevenson	Weaver	Winter

So the bill was passed.

The Clerk announced the following pairs:

Mr. Smith of Virginia for, with Mr. Gordon against.

Mr. McCord for, with Mr. O'Brien of Illinois against.

Mr. Judd for, with Mr. Cullen against.

Mr. Anderson of California for, with Mrs. Luce against.

Mr. Allen of Illinois for, with Mr. Stevenson against.

Mr. Bates of Massachusetts for, with Mr. Monkiewicz against.

General pairs:

Mr. Fogarty with Mr. Knutson.

Mr. Byrne with Mr. Smith of Maine.

Mr. Morrison of Louisiana with Mr. Guyer.

Mr. Outland with Mr. Carson of Ohio.

Mr. Kennedy with Mr. Hartley.

Mr. Bates of Kentucky with Mr. Wilson.

Mr. Dingell with Mr. Holmes of Massachusetts.

Mr. O'Toole with Mr. Pracht.

Mr. Cannon of Missouri with Mr. Harter.

Mr. Somers of New York with Mr. Heidinger.

Mr. Starnes of Alabama with Mr. Winter.

Mr. Pfeifer with Mr. Maas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOBBS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

EXTENSION OF REMARKS

(Mr. HOLIFIELD asked and was given permission to revise and extend his remarks in the RECORD.)

(Mr. KING asked and was given permission to extend his own remarks in the RECORD.)

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made today and include therein certain letters and quotations from the hearings and from Supreme Court decisions.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SASSCER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein certain material.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. NORMAN. Mr. Speaker, I ask unanimous consent that I may address the House for 5 minutes today at the conclusion of the special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER. Under a previous order of the House, the gentleman from Michigan [Mr. DONDERO] is recognized for 20 minutes.

THE WISDOM OF JEFFERSON

Mr. DONDERO. Mr. Speaker, next Tuesday, April 13, the two-hundredth anniversary of the birth of Thomas Jefferson will be observed throughout the Nation. Here in the Nation's Capital a most impressive and beautiful memorial structure of white marble will be dedicated. The ceremonies will be conducted by exponents of the New Deal, headed by Associate Justice Felix I. Frankfurter. They will, I predict, extol the virtues of that great Virginia statesman and may even try to convince the American people that they are the apostles of Jefferson's creed.

With fervid oratory they will, no doubt, name him as the patron saint of their new order and seek by other means to make political capital of the magic contained in his name.

To the people of America this will seem strange and inconsistent. They will most certainly not accept graciously any attempt to associate the philosophy of the present administration with that of the Sage of Monticello.

Every teen-age school boy and girl knows that the philosophies of this administration are in direct conflict and stand for everything Jefferson abhorred, and any effort to deceive the people in that respect cannot fail to bring a measure of resentment from them.

One need only insert a table knife into a volume of Jefferson's letters and speeches—as the Puritans used to do with the Bible to obtain names for their numerous progeny—open it and come upon a warm denunciation of some common New Deal practice.

Briefly what were some of Jefferson's principles? He believed in as simple a government as possible. We are all familiar with his famous observation that that government is best which governs least. He had something further to say on this subject, and I quote him:

I think, myself, that we have more machinery of government than is necessary, too many parasites living on the labor of the industrious. I think it might be much simplified to the relief of those who maintain it.

More machinery of government in the early part of the eighteenth century? What would he think of this Federal colossus of today and on administration that has added more than 60 bureaus, boards, and commissions to the Federal structure of Government within a single decade?

Thomas Jefferson was a strong upholder of States' rights and the greatest protagonist of that principle. Listen to his words:

The support of State governments in all their rights as the most competent administrations for our domestic concerns and the surest bulwarks against antirepublican principles.

I see with the deepest affliction—

He said—

the rapid strides with which the Federal branch of our Government is advancing toward the usurpation of all the rights reserved to the States, and the consolidation of itself of all powers, domestic and foreign; and that, too, by constructions which, if legitimate, leave no limits to their power.

Where does the present administration stand with respect to that statement? We have today more disregard of States' rights, more centralization of government in Washington than at any time in the entire history of the United States.

It is perhaps embarrassing that Jefferson's birthday comes at the moment when, from the portico of the Executive Mansion, a fourth-term movement for President Roosevelt has just been launched by the chairman of the Democratic National Committee. Mr. Walker, that chairman, no doubt will find repetition of the words of his adopted patron saint in that respect a bit unpleasant, and I am equally sure that Associate Justice Frankfurter will refrain from quoting them in his dedicatory address next Tuesday.

It will be recalled that Jefferson bitterly opposed a Presidential third term and that he declined even to stand for reelection after completing a second term. His feelings on that subject were strong and he expressed them in language that cannot be misunderstood. Hear him speak:

If the principle of rotation be a sound one, as I conscientiously believe it to be with respect to this office, no pretext should ever be permitted to dispense with it, because there will never be a time when real difficulties will not exist and furnish a plausible pretext for dispensation.

The pretext, my colleagues, for the continuation in office of our present Chief Executive is that this Nation is in dire danger; that he is the only person out of a population of 132,000,000 people who can win the war and the peace. But let me remind you that in the early 1800's our infant ship of state was also in great danger. They were some of the most dangerous and uncertain days in our history. Many difficult international and domestic questions were unsolved, and a large part of the world seriously doubted that we could endure as an independent nation.

Jefferson, too, was told that he alone could successfully guide our ship of state safely, but he adhered to his principles and resisted all temptation, stating emphatically—

That should a President consent to be a candidate for a third election, I trust he would be rejected on this demonstration of ambitious views.

The great Virginian did not regard himself as a superman. Even though our Republic in his time was a frail and feeble plant, he never faltered in his belief in the supreme capacity of men to govern themselves.

We both consider the people as our children—

He wrote to du Pont de Nemours—

but you love them as infants whom you are afraid to trust without nurses, and I as adults whom I freely leave to self-government.

Largely because of this administration's policies, our country is now faced with a serious shortage of food according to reports from many sources. Regimentation of the farmer was one of the first goals of the present administration. We all remember when crops were plowed under, little pigs were slaughtered, and when bureaucracy moved in on the farms and still refuses to relax its grip. We also remember the words of R. M. Evans, A. A. A. Administrator, who assured us in December 1941 when the United States entered the war—

When the war situation hit—

He said—

we were prepared to handle the food problem due to our previous planning. Farmers have been canvassed and know what they are expected to produce. There is no reason to believe that the people of the United States and other countries cannot expect all the food that is necessary. There is no reason why there should be any rationing here or that prices should go very far above the present level.

But rationing is here and prices have soared far above the level in 1941. Food shortag is our portion and the day of want is present.

If only those regimenters had heeded the warning of Jefferson, uttered over a century ago:

Were we directed from Washington when to sow and when to reap, we should soon want bread.

He said.

That warning was most prophetic.

If only we had today that strong and independent agriculture, free from governmental interference, he visualized, threats of a steadily decreasing food supply would not be front-page newspaper material.

The father of the Declaration of Independence believed in economy and frugality in government.

The principle of spending money to be paid by posterity, under the name of funding, is but swindling futurity on a large scale.

He wrote John Taylor in 1816.

Again he said:

If we can prevent the Government from wasting the labors of the people under the pretense of taking care of them, they must become happy * * *. We must make our selection between economy and liberty or profusion and servitude.

In the face of a spendthrift administration with a record unequaled in all our history, further comment becomes unnecessary.

During the entire reign of the present administration to date we have witnessed an era of executive interference with the legislative and judicial branches of the Government. The effort to pack the Supreme Court will never be erased from the pages of our history. All too frequently the executive branch has usurped the function of the legislative branch, and a glaring example of such interference was the threat of the President to stabilize wages by edict unless Congress acted before a specified date.

Jefferson was particularly emphatic on that point. When he was Secretary

of State he wrote George Washington as follows:

When I embarked in the Government it was with a determination to intermeddle not at all with the Legislature. * * * As I never had the desire to influence the Members (of Congress), so neither had I any other means than my friendships, which I value too highly to risk by usurpation on their freedom of judgment, and the conscientious pursuit of their own sense of duty.

And reporting the result of a later interview with Washington, Jefferson said:

I said that if the equilibrium of the three great bodies—legislative, executive, and judicial—could be kept independent, I should never fear the result of such a government; but that I could not but be uneasy when I saw the executive had swallowed up the legislative branch. * * * The dignity and stability of government in all its branches, the morals of the people and every blessing of society depend so much on an upright and skillful administration of justice that the judicial power ought to be distinct from both the legislative and executive and independent from both so that it may be a check upon both as both should be checks upon that. The judges * * * should not be dependent upon any one man or body of men. * * * Our peculiar security is in the possession of a written constitution. Let us not make it a blank paper by construction.

Thomas Jefferson, of course, espoused many other policies.

His political philosophy may be briefly summed up by quoting a passage from his first inaugural address:

What more is necessary to make us a happy and prosperous people? Still one thing more, fellow citizens, a wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and employment and shall not take from the mouth of labor the bread that it has earned. * * * Equal and exact justice to all men. * * * Economy in public expense that labor may be lightly burdened; the honest payment of our debts and the sacred preservation of the public faith; encouragement of agriculture and of commerce, its handmaid; the diffusion of information and the arraignment of all abuses at the bar of public reason; freedom of religion; freedom of the press. * * * These principles formed the bright constellation which has gone before us. * * * They should be the creed of our political faith; the text of civil instruction; the touchstone by which to try the service of those we trust.

Those words, Mr. Speaker, were spoken by the father of the Declaration of Independence, the third President of the United States, and the great liberal of his time—words which are today incorporated in the bible of our Republic. Is there one among us here who would claim that the New Deal follows the principles or is the rightful heir of Thomas Jefferson?

The plain fact is, Mr. Speaker, that if Jefferson were alive today, new dealers would not be glorifying him in marble and speech. Instead they would be smearing him for the certain opposition he would voice to the growth of the great Federal bureaucracy and the fourth term ambitions of President Roosevelt. He would be branded as a reactionary and a tory.

Yes; on Tuesday many of our self-called liberals will pay lip service to the memory and ideals of that truly great American. But those of us who subscribe to his sound philosophy will sincerely do him honor in word and thought, for he, more than any other man, provided the blueprint for our Republic.

WORLD PEACE

The SPEAKER pro tempore (Mr. McGRANERY). Under previous order of the House, the gentleman from Massachusetts [Mr. CURLEY] is recognized for 20 minutes.

Mr. CURLEY. Mr. Speaker, an article appearing in one of the Washington papers today attracted my attention, and in my judgment it is worthy of directing it to the attention of the Members of the House. It is as follows:

MACARTHUR PRAYS FOR BATAAN RETURN

SOMEWHERE IN AUSTRALIA, Friday, April 9.—In a statement commemorating the first anniversary of the surrender of American and Filipino forces on Bataan Peninsula, Gen. Douglas MacArthur said today:

"A year ago today the dimming light of Bataan's forlorn hope fluttered and died. Its prayers by that time—and it prayed as well as fought—were reduced to a simple formula rendered by hungry men through cracked and parching lips: 'Give us this day our daily bread.' The light failed. Bataan was starved into collapse.

"Our flag lies crumpled, its proud pinions spat upon in the gutter; the wrecks of what were once our men and women groan and sweat in prison toil; our faithful Filipino wards, 16,000,000 souls, gasp in the slavery of a conquering soldiery devoid of those ideals of chivalry which have so dignified many armies.

THREE HEROIC MONTHS

"I was the leader of that lost cause, and from the bottom of a seared and stricken heart I pray that a merciful God may not delay too long their redemption; that the day of salvation be not so far removed that they perish; that it be not again too late."

It is a wonderful spiritual message, and it conveys a volume of thought to every forward-looking American. I am wondering if we have the courage in America to stand by the Atlantic Charter. I am wondering if we have the stamina among the representatives of the United Nations to stand together not only in this war but at the conclusion of the war for the establishment of a permanent peace.

More than 19 centuries have passed since Christ came on earth and gave to mankind the panacea for peace. It was a simple message that a weary world which had been torn with wars for thousands of years appeared eager to receive. In simple language, it outlined a program through which a brotherhood of man and a fatherhood of God, with peace and happiness, might be the lot and heritage of all mankind.

It was known as the Lord's Prayer, which for 19 centuries has been accepted by millions but not by the world as a whole. The child at his mother's knee lisps it, and in its recital a large number of our armed forces, either on the field of battle or upon a bed of pain, find in it a solace which nothing else in the world can give.

To the theorists and war lords seeking a solution for the ills that afflict humanity, I commend it—the Lord's Prayer:

Our Father, who art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done in earth as it is in heaven; give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us, and lead us not into temptation but deliver us from evil. Amen.

Nineteen centuries have passed since they crucified Christ for his preachment of love and brotherhood, and during that period rulers have come and gone, nations once great and powerful have become but a memory, while the message still survives.

The religious organization founded upon the preachment of Christ recognizes neither race nor color and through the centuries has been accepted as the fountainhead of Christian morality. Yet today but scant consideration is accorded this source of sound philosophy and spiritual guidance, without which victories become empty achievements and enduring peace is impossible. The recent message of Pope Pius XII presents an outline which represents the concentrated thought of centuries upon the part of men who have followed the teachings of the Divine Master and which modern theorists and greedy rulers disregard.

His Holiness, Pope Pius XII, in an address at Christmas last, presented a five-point program for world peace which, if adopted, would mark an end of wars:

FIVE POINTS

1. Dignity and rights of the human person

He who would have the star of peace shine out and stand over society should cooperate for his part in giving back to the human person the dignity given to it by God from the very beginnings; should oppose the excessive herding of men, as if they were a mass without a soul; their economic, social, political, intellectual, and moral inconsistency; their dearth of solid principles and strong convictions; their surfeit of instinctive sensible excitement and their fickleness.

He should favor, by every lawful means, in every sphere of life, social institutions in which a full personal responsibility is assured and guaranteed both in the earthly and the eternal order of things.

He should uphold respect for and the practical realization of the following fundamental personal rights: The right to maintain and develop one's corporal, intellectual, and moral life, and especially the right to religious formation and education; the right to worship God in private and public and to carry on religious works of charity; the right to marry and to achieve the aim of married life; the right to conjugal and domestic society; the right to work as the indispensable means toward the maintenance of family life; the right to free choice of a state of life, and hence, too, of the priesthood or religious life; the right to the use of material goods, in keeping with his duties and social limitations.

2. Defense of social unity, and especially of the family in principle

He who would have the star of peace shine out and stand over society should reject every form of materialism which sees in the people only a herd of individuals who, divided and without any internal cohesion, are considered as a mass to be lorded over and treated arbitrarily; he should strive to understand society

as an intrinsic unity, which has grown up and matured under the guidance of Providence, a unity which, within the bounds assigned to it and according to its own peculiar gifts, tends, with the collaboration of the various classes and professions, toward the eternal and ever-new aims of culture and religion.

He should defend the indissolubility of matrimony; he should give to the family—that unique cell of the people—space, light, and air so that it may attend to its mission of perpetuating new life, and of educating children in a spirit corresponding to its own true religious convictions, and that it may preserve, fortify, and reconstitute, according to its powers, its proper economic, spiritual, moral, and juridic unity.

He should take care that the material and spiritual advantages of the family be shared by the domestic servants; he should strive to secure for every family a dwelling where a materially and morally healthy family life may be seen in all its vigor and worth; he should take care that the place of work be not so separated from the home as to make the head of the family and educator of the children a virtual stranger to his own household; he should take care above all that the bond of trust and mutual help should be reestablished between the family and the public school, that bond which in other times gave such happy results, but which now has been replaced by mistrust where the school, influenced and controlled by the spirit of materialism, corrupts and destroys what the parents have instilled into the minds of the children.

3. Dignity and prerogatives of labor

He who would have the star of peace shine out and stand over society should give to work the place assigned to it by God from the beginning.

As an indispensable means toward gaining over the world that mastery which God wishes, for His glory, all work has an inherent dignity and at the same time a close connection with the perfection of the person; this is the noble dignity and privilege of work which is not in any way cheapened by the fatigue and the burden, which have to be borne as the effect of original sin, in obedience and submission to the will of God.

Those who are familiar with the great encyclicals of our predecessors and our own previous messages know well that the church does not hesitate to draw the practical conclusions which are derived from the moral nobility of work, and to give them all the support of her authority; these exigencies include, besides a just wage which covers the needs of the worker and his family, the conservation and perfection of a social order which will make possible an assured, even if modest, private property for all classes of society, which will promote higher education for the children of the working class who are especially endowed with intelligence and good will, will promote the care and the practice of the social spirit in one's immediate neighborhood, in the district, the province, the people, and the nation, a spirit which, by smoothing over friction arising from privileges or class interests, removes from the workers the sense of isolation through the assuring experience of a genuinely human, and fraternally Christian, solidarity.

The progress and the extent of urgent social reforms depend on the economic possibilities of single nations. It is only through an intelligent and generous sharing of forces between the strong and the weak that it will be possible to effect a universal pacification in such wise as not to leave behind centers of conflagration and infection from which new disasters may come. There are evident signs which go to show that, in the ferment of all the prejudice and feelings of hate, those inevitable but lamentable offspring of the war psychosis, there is still aflame in the peoples the consciousness of their intimate mutual dependence for good or for evil, nay, that this consciousness is more alive and active.

Is it not true that deep thinkers see ever more clearly in the renunciation of egoism and national isolation, the way to general salvation, ready as they are to demand of their peoples a heavy participation in the sacrifices necessary for social well-being in other peoples?

May this Christmas message of ours, addressed to all those who are animated by a good will and a generous heart, encourage and increase the legions of these social crusades in every nation. And may God deign to give to their peaceful cause the victory of which their noble enterprise is worthy.

4. The rehabilitation of juridic order

He who would have the star of peace shine out and stand over social life should collaborate toward a complete rehabilitation of the juridical order.

The juridic sense of today is often altered and overturned by the profession and the practice of a positivism and a utilitarianism which are subjected and bound to the service of determined groups, classes, and movements, whose programs direct and determine the course of legislation and the practices of the courts.

The cure for this situation becomes feasible when we awaken again the consciousness of a juridical order resting on the supreme dominion of God, and safeguarded from all human whims; a consciousness of an order which stretches forth its arm, in protection or punishment, over the unforgettable rights of man and protects them against the attacks of every human power.

From the juridic order, as willed by God, flows man's inalienable right to juridical security, and by this very fact to a definite sphere of rights, immune from all arbitrary attack.

The relations of man to man, of the individual to society, to authority, to civil duties; the relations of society and of authority to the individual, should be placed on a firm juridic footing and be guarded, when the need arises, by the authority of the courts.

This supposes (A) a tribunal and a judge who take their directions from a clearly formulated and defined right; (B) clear juridical norms which may not be overturned by unwarranted appeals to a supposed popular sentiment or by merely utilitarian considerations; (C) the recognition of the principle that even the state and the functionaries and organizations dependent on it are obliged to repair and to withdraw measures which are harmful to the liberty, property, honor, and progress of health of the individuals.

5. The conception of the state according to the Christian spirit

He who would have the star of peace shine out and stand over human society should cooperate toward the setting up of a state conception and practice founded on reasonable discipline, exalted kindliness and a responsible Christian spirit.

He should help to restore the state and its power to the service of human society, to the full recognition of the respect due to the human person and his efforts to attain his eternal destiny.

He should apply and devote himself to dispelling the errors which aim at causing the state and its authority to deviate from the path of morality, at severing them from the eminently ethical bond which links them to individual and social life, and at making them deny or in practice ignore their essential dependence on the will of the Creator. He should work for the recognition and diffusion of the truth which teaches, even in matters of this world, that the deepest meaning, the ultimate moral basis and the universal validity of "reigning" lies in "serving."

Mr. Speaker, today, after the lapse of nearly 20 centuries since the coming of Christ, we find the world engaged in the most cruel and destructive war ever known. Despite the lessons of history, namely, that resort to arms as a means of settling international disputes has proven a failure for thousands of years, the chief panaceas for peace all advocate the shedding of blood.

I have three boys in the service of the Nation, in the Navy of the United States, and my blood runs cold every time I pick up a newspaper and I read about our boys policing the world when the war is ended. I would like to see my boys home when the war is won by the Allied Nations, and I believe I express the wish uppermost in the heart of every American when I give expression to that sentiment. For 10,000 years before the coming of Christ, international disputes have been settled by resort to arms and the shedding of blood. A new feature has been introduced in this war of not permitting the shedding of blood to be confined to the representatives of the armies and navies of the nations engaged. The entire population of a country are the targets for attack. Women and children are not immune. It is a new phase and a dangerous phase, and I am wondering if we have reached that point in the life of the world when we are willing to change our policy, change our system, change our custom.

I had occasion within the last week to visit the Chief of the Ordnance Division of the War Department, General Campbell. There was an inscription on the wall that focused my attention. It was an old Persian proverb, and it read:

> I had no shoes and complained, until I met a man who had no feet.

I am wondering how much longer this old world of ours is going to give thought to that problem. The end of this war means hundreds of thousands of men without feet. It means millions of men and women and children without heads, and here we are, the United Nations, controlling the food supply of the world at the end of the war if they stand together, controlling the wealth of the world if they stand together, and controlling the industrial establishments of the world in which are made the munitions for the carrying on of war. If we can stand together and live up to the Atlantic Charter and bring a little spiritual atmosphere into the question of peace, it should be possible by economic pressure to do that which for 12,000 years has been impossible by recourse to arms and to be able to say to any nation that wants to make war: "Make war if you will, but you get no food, you get no money, you get no munitions. We consider you an outlaw now that the war is over and refuse to trade with you." I venture the suggestion that it is worthy

of our thought, worthy of our consideration, and, God willing, may we adopt that program.

THE CLARK COUNTY PUBLIC-UTILITIES DISTRICT

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Washington [Mr. NORMAN] is recognized for 5 minutes.

Mr. NORMAN. Mr. Speaker, in a speech on the floor of the House Thursday, the gentleman from Pennsylvania made an unwarranted attack on the public-utility district of Clark County in the State of Washington.

Clark County is one of nine counties which I have the honor to represent. In his remarks yesterday the gentleman from Pennsylvania referred to Clark County's public-utility district as a "political parasite," and as a "political dummy," and broadly intimates that there may be a question as to whether the officials of this district have handled its money properly.

Mr. Speaker, I cannot and I will not let such remarks about the people of my district go unchallenged. They reflect on the integrity of the officials of the Clark County public-utility district. They reflect on the intelligence, and even the rights, of the voters of Clark County.

The State of Washington, by legislative act, set up the public-utility-district system 10 years ago. The Clark County public-utility district was created by majority vote of the people of that county some years ago, and the three commissioners which head the district have been elected, and reelected, by vote of the people. I do not think it is within the province of the gentleman from Pennsylvania to question whether these people should have a public-utility district if they want one; or to question whether the officials of the district merit the confidence of the voters, after the voters already have demonstrated and redemonstrated their confidence in these officials. They live with them and they know them.

The gentleman from Pennsylvania hinted at "collusion" between the Clark County public-utility district and certain Federal agencies. The people created this district and they elected its officials. Therefore whoever cries "collusion" must be prepared to indict the voters of the whole of Clark County, and such an indictment is manifestly ridiculous.

Bonneville is a wholesaler of electric power. It wholesales this power to both public and private distributors. Among many others, it sells wholesale power to the Clark County public-utility district, which retails the energy to consumers. Bonneville also wholesales power to other public-utility districts in my district, which, in turn, retail it to the consumers. Bonneville wholesales this power to some private companies, which, in turn, retail it to consumers. There is nothing wrong in all this and there certainly is nothing wrong with the fact that both the public and the private power retailers make profits. They show these profits through intelligent, efficient, and, I might add, publicly approved operations.

The gentleman from Pennsylvania no doubt fears that the Federal agencies, in the Pacific Northwest and elsewhere, have too much control over the States and their peoples. I thoroughly agree with him in that; I am just as alarmed over this growth of Federal bureaucracy as he, or anyone else. And I solicit his support for my "home rule" public power bill, H. R. 1899, under which the States of Washington and Oregon could acquire Grand Coulee and Bonneville for a fair price. I believe my bill may merit the gentleman's approval, since it would help curtail the all-powerful control by Federal bureaucrats to which he so rightly objects.

But I must disagree strongly with the gentleman when he says, as he did yesterday, that "Who gets what from this kitty"—referring to operations of the Clark County Public Utility District—"Might make juicy reading." He makes thereby a veiled insinuation that is grossly unfair to the officials of Clark County P. U. D., and one which reflects on the intelligence of the voters of Clark County. I want to point out that the accounts of this P. U. D., and all others in my State, are kept and audited according to strict State regulations. I say to the gentleman that it would have been much better if he had investigated the bookkeeping and financial practices of this public utility district before he made any such unfair comment.

He has reflected upon certain officials and certain voters of my congressional district. I want this House to know that I not only believe in the integrity of these officials and the intelligence of these voters, but that I strongly resent such unjustified attacks upon them.

EXTENSION OF REMARKS

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include therein an article from the Atlanta Journal of April 6.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 700. An act suspending certain provisions of sections 12B and 19 of the Federal Reserve Act until 6 months after the cessation of hostilities in the present war as determined by proclamation of the President or concurrent resolution of the Congress.

ADJOURNMENT

Mr. RAMSPECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 42 minutes p. m.) the House adjourned until tomorrow, Saturday, April 9, 1943, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE POST OFFICE AND POST ROADS

There will be a meeting of the Committee on the Post Office and Post Roads on Monday, April 12, 1943, at 10:30 a. m., for the consideration of H. R. 687 at which public hearings will be had.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Subcommittee on Petroleum of the Committee on Interstate and Foreign Commerce, at 10 a. m., Tuesday, April 13, 1943.

Business to be considered: Open hearings on the petroleum situation. Independents will testify.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

As advised in notice of March 10, 1943, Congressman BATES of Massachusetts, patron of the bill H. R. 1766, upon which hearings were scheduled on April 8, 1943, is a member of the Committee on Naval Affairs and of a subcommittee of that committee which has arranged a schedule of hearings throughout the country which will compel Congressman BATES of Massachusetts to be absent from Washington on April 8 and also April 15.

The chairman of the committee and the Commissioner of Fisheries will be out of town on intervening dates, which will necessitate a further postponement of the hearing until May 13, 1943. You are hereby notified that the hearings scheduled for April 8 and postponed until April 15 have been postponed to May 13, 1943, at 10 a. m., at which time the hearings will follow.

EXECUTIVE COMMUNICATIONS, ETC.

310. Under clause 2 of rule XXIV a communication from the President of the United States, transmitting a draft of a proposed provision pertaining to the appropriation "Salaries, Ambassadors and Ministers," contained in the Department of State Appropriation Act for the fiscal year 1943 (H. Doc. No. 152), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAY: Committee on Military Affairs. Supplemental report to part 3 to accompany H. R. 1730. A bill to amend paragraph (1) of section 5 (e) of the Selective Training and Service Act of 1940, as amended (Rept. No. 146). Ordered to be printed.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2407) granting a pension to Marjorie Scott, widow of the late Rear Admiral Norman Scott, United States Navy; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 1629) granting a pension to James William Westerfield; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. NEWSOME:

H. R. 2443. A bill to provide for the payment currently of individual income taxes; to the Committee on Ways and Means.

By Mr. COMPTON:

H. R. 2444. A bill to provide for the payment currently of individual income taxes; to the Committee on Ways and Means.

By Mr. DEWEY:

H. R. 2445. A bill to provide for the issuance of a medal in recognition of services of war correspondents; to the Committee on Military Affairs.

By Mr. DIES:

H. R. 2446. A bill to provide for the forfeiture and cancelation of citizenship of any person who knowingly affiliates with any organization subject to foreign control and engaged in political activity; to the Committee on the Judiciary.

H. R. 2447. A bill to make ineligible employment of any person by the United States Government who affiliates with any subversive organization; to the Committee on the Civil Service.

By Mr. KEARNEY:

H. R. 2448. A bill to provide that nationals of the United States shall not lose their nationality by reason of voting under legal compulsion in a foreign state; to the Committee on Immigration and Naturalization.

By Mr. MALONEY:

H. R. 2449. A bill to suspend until termination of hostilities the compulsory retirement age of employees subject to the Civil Service Retirement Act of May 29, 1930, as amended; to the Committee on the Civil Service.

By Mr. GILLIE:

H. R. 2450. A bill providing for cancelation of penalties for farm marketing excess of wheat for the years 1941 and 1942, and for other purposes; to the Committee on Agriculture.

By Mr. FAY:

H. R. 2451. A bill to incorporate the national association, Rainbow Division Veterans; to the Committee on the Judiciary.

By Mr. AUGUST H. ANDRESEN:

H. Res. 204. Resolution creating a select committee of the House to attend the international monetary conference to be held in 1943; to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

478. By Mr. CARTER: Assembly Joint Resolution No. 34 of the State of California, memorializing the Congress to enact legislation to increase post-office employees' pay; to the Committee on the Post Office and Post Roads.

479. Also, Assembly Joint Resolution No. 28 of the State of California, memoralizing Congress to create a fund to reimburse rice and other grain farmers in California for damage to crops by wild fowl; to the Committee on Agriculture.

480. By Mr. HANCOCK: Petition of J. J. Hubbard and other residents of Syracuse, N. Y., favoring the enactment of House bill 1111; to the Committee on World War Veterans' Legislation.

481. By Mr. KEARNEY: Petition of Mrs. C. F. Utter and 23 other residents of Schenectady, N. Y., appealing for the passage of House bill 2082, contending by its enactment untold amounts of money, food materials, coal, iron, rubber, gasoline, and shipping space will be conserved, and a large percentage of the cause of absenteeism in war plants will be eliminated; to the Committee on the Judiciary.

482. Also, petition of Addie Pitcher and 40 other residents of Broadalbin, N. Y., appealing for enactment of House bill 2082, contending by its enactment that untold amounts of money, food materials, coal, iron, rubber, gasoline, and shipping space will be conserved, and a large percentage of the cause of absenteeism in war plants will be eliminated; to the Committee on the Judiciary.

483. Also, petition of Emma Allen and 26 other residents of Sprakers, N. Y., appealing for passage of House bill 2082, contending by its enactment that untold amounts of money, food materials, coal, iron, rubber, gasoline, and shipping space will be conserved and a large percentage of the cause of absenteeism in war plants will be eliminated; to the Committee on the Judiciary.

484. Also, memorial of the New York State Legislature, unanimously endorsing the pharmacy corps bill, (S. 216, H. R. 997), and requesting the Members of Congress to enact same into law; to the Committee on Military Affairs.

485. Also, memorial of the New York State Legislature, respectfully requesting the Congress of the United States to speedily bring about and put into effect any necessary changes in our laws and regulations affecting the border between this country and Canada to the end that unnecessary restrictions may be removed and that travel of persons and movements of products may be facilitated for the purpose of promoting a harmonious, an efficient, and a victorious prosecution of the existing war; to the Committee on Interstate and Foreign Commerce.

486. By Mr. HANCOCK: Petition of Mrs. E. Burlingame and other residents of Cortland County, N. Y., favoring the passage of House bill 2082; to the Committee on the Judiciary.

487. By Mr. HULL: Petition of 22 citizens of Eau Claire, Wis., supporting House bill 997 and Senate bill 216, a bill proposing the establishment of a pharmacy corps in the United States Army; to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES

SATURDAY, APRIL 10, 1943

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, the author of our being, to Thee we offer up our prayer of thanksgiving and praise. As we walk the shores of life's Galilee and vision the gloom of its Gethsemane, we pray that our souls may catch the glory of the unfailing secret of our Lord. In spirit and in might enable us to stand with the saints and martyrs, with prophets and sages who have gone before into the rest of eternal peace.

O Thou who stooped from the stainless heights of glory, help us to raise to the highest power wisdom, humility, and the spirit of forgiveness. Be with those who are bleak in their sorrow and human misery; nourish them in that earthly vineyard where groweth the tree of life. Give them an awakening comfort in the midst of confusion and let a heavenly joy break in their hearts as they onward go. We pray that Thy children of every creed may avail themselves of the divine instinct of prayer and learn the lesson of Thy will, continuing to enlarge the spheres of their devotion to Thy holy purpose. We bless Thee that Thou dost bring forgiveness for every sin, hope for every starved soul, and a fadeless light for every darkened pathway. O soothe the wounds of every sorrow and give grace and patience to ease every troubled breast. In Thy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 1860. An act to provide for the payment of overtime compensation to Government employees, and for other purposes.

MEMORIAL TO GEORGE WASHINGTON CARVER

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. HOBBS]?

There was no objection.

Mr. HOBBS. Mr. Speaker, down in Alabama, the first State in the Union alphabetically and in almost every other way, there has been organized a George Washington Carver Memorial Foundation. It is unique in that it is not asking any contribution from the Federal Government. The people of Alabama are raising a foundation fund with which to perpetuate his work.

We heartily favor the memorial at his birthplace, but we wish that his memory should ever be as "the shadow of a rock in a weary land" where the people of the Nation who looked to him for leadership may find at the home of his choice and in the institution wherein his genius attained world recognition, his lengthened shadow perpetuated and his work as well as his soul marching on.

EXTENSION OF REMARKS

Mr. RIVERS. Mr. Speaker, in answer to the plaintive cries of the American people and in order to relieve a suffering, shivering, frozen East, the Seventy-seventh Congress authorized a pipe line from Mississippi to Charleston, S. C. A more foolproof pipe line could not be conceived by the mind of man. There is no tenable argument against the wisdom of Congress in authorizing this vitally needed project.

At a great expense of time and money the city of Charleston, S. C., has prepared a very comprehensive brief justifying the immediate construction of this pipe line. In order to give the American people the complete story on this matter and in order to give them facts they may not know, I ask unanimous consent to insert this brief in the Appendix of the RECORD.

Because of the many vital factors treated by this document it necessarily will take up more than two pages of the CONGRESSIONAL RECORD. The Public Printer estimates that this brief will make six pages of the CONGRESSIONAL RECORD at a cost of $270.